

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ABINGDON**

UNITED STATES OF AMERICA, :
 :
 Plaintiff, :
 :
 - against - : **Civil No.** 1:19CV00027
 :
 \$647,000,000 IN U.S. CURRENCY, :
 :
 Defendant. :

VERIFIED COMPLAINT FOR FORFEITURE

Plaintiff, United States of America, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is a civil forfeiture action against \$647,000,000 in U.S. currency that constitute or are derived from proceeds traceable to violations of 18 U.S.C. §§ 1341, 1343, and 1347, and are therefore subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C).

THE DEFENDANTS IN REM

2. The defendant consists of \$647,000,000 in U.S. Currency in the form of a wire transfer from Reckitt Benckiser Group (“RBG”), to be provided by and seized with the consent of RBG on or before August 10, 2019.

JURISDICTION AND VENUE

4. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, over an action for forfeiture under 28 U.S.C.

§ 1355(a), and over this particular action under 18 U.S.C. § 981(a)(1)(C).

5. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b).
6. Venue is proper in this district pursuant to 28 U.S.C. §1355(b)(1), because acts and omissions giving rise to the forfeiture occurred in this district.

BASIS FOR FORFEITURE

7. The defendant currency is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) because it constitutes or is derived from proceeds traceable to violations of 18 U.S.C. §§ 1341, 1343, and 1347.

FACTS

8. The forfeiture is based upon the following facts, verified by Special Agent Darren Petri of the United States Food and Drug Administration, Office of Criminal Investigations (“FDA-OCI”):
 - a. On April 9, 2019, a federal grand jury in Abingdon, Virginia, returned a 28-count Indictment that charged Indivior Inc. (a/k/a Reckitt Benckiser Pharmaceuticals Inc.) (“RBP”) and Indivior plc with violating Title 18, United States Code, Sections 1341 (mail fraud), 1343 (wire fraud), 1347 (health care fraud) and 1349 (conspiracy to commit health care fraud). The allegations set forth in the Indictment are incorporated in this complaint by reference.
 - b. RBP was a Delaware corporation headquartered in Richmond, Virginia, that marketed and distributed prescription drugs containing buprenorphine, an

opioid controlled substance, under brand names including Suboxone and Subutex.¹ Until on or about December 23, 2014, RBP was a wholly owned subsidiary of RBG.

- c. From approximately January 1, 2010, to approximately November 30, 2014, proceeds from the sale of Suboxone and Subutex were deposited and flowed into various RBP checking accounts, including an account at JP Morgan Chase. The JP Morgan Chase account served to aggregate the receipts of all products sold in the United States by RBP, including Suboxone.
- d. From 2006 to 2014, RBP's U.S. Net Revenue was approximately \$6.2 billion. Of this, more than approximately \$530 million was derived from cash purchases of Suboxone and Subutex filled at pharmacies. Federal and state health care programs were among the purchasers of Suboxone and paid for Suboxone prescriptions filled at pharmacies, including pharmacies in the Western District of Virginia. The pharmacies received the monies via mail and/or wire. The pharmacies who filled the prescriptions paid by (1) cash or (2) federal and state health care programs then paid the wholesalers for their supplies of Suboxone via mail and/or wire. The wholesalers paid RBP via wire payments.
- e. From 2010 to 2014, RBP transferred approximately \$3.7 billion to RBG-controlled accounts at JP Morgan Chase in the U.S. and the United Kingdom. On or before August 10, 2019, RBG will wire \$647 million to an account

¹Subutex was discontinued in 2011.

controlled by the United States Marshal's Service.

- f. From 2006 to 2014, RBP's U.S. Net Revenue from unlawful promotion of Suboxone and Subutex was not less than \$1.4 billion.
9. To the extent it is necessary to do so, Plaintiff intends to rely on the provisions of 18 U.S.C. § 984 to establish that the defendant property is the property involved in the violation of 31 U.S.C. § 5324(a)(1) and (3) described in paragraph 8.

WHEREFORE, the plaintiff prays that:

1. All persons who reasonably appear to be potential claimants with interests in the defendant property be cited to appear herein and answer the complaint;
2. That the defendant property be forfeited and condemned to the United States of America for disposition according to law; and
3. That the plaintiff have such other and further relief as this Court deems proper and just.

Dated: July 11, 2019

Respectfully submitted,

DANIEL P. BUBAR

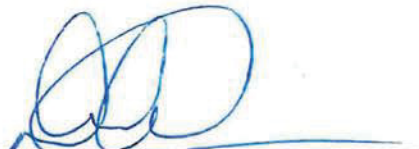
Attorney for the United States, Acting Under
Authority Conferred by 28 U.S.C. § 515



Randy Ramseyer
Assistant United States Attorney
Krista Frith
Assistant United States Attorney

VERIFICATION

I, Darren Petri, declare under penalty of perjury as provided by 28 U.S.C. § 1746, that the foregoing Complaint for Forfeiture *in rem* is true and correct to the best of my knowledge and belief.



Darren Petri
Special Agent, FDA-OCI