

# U.S. Department of Justice

*United States Attorney  
Western District of Kentucky*

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717 West Broadway  
Louisville, Kentucky 40202

## CIVIL INVESTIGATIVE DEMAND For Documentary Material

TO: XXXXX, M.D.  
XXXX  
XXXX, FL

Civil Investigative  
Demand No. CID-22-XXX

Serve on the following:

XXXXX, M.D.  
XXXX  
XXXX, FL

This Civil Investigative Demand is issued pursuant to the False Claims Act, 31 U.S.C. § 3733, to determine whether [REDACTED] employees, owners, contractors, marketers, affiliates, and companies with common ownership, made payments to medical providers or individuals or entities related to medical providers in exchange for those providers referring patients to [REDACTED], prescribing medications. to be filled by [REDACTED], and arranging for the purchase of medications from [REDACTED], in violation of the Anti-Kickback Statute, 42 U.S.C. § 1320a-7b, and the False Claims Act, 31 U.S.C. § 3729(a).

This Demand requires you to provide the United States Government certain documents. This is the original of the Demand; no copies of this Demand have been served on other parties.

### Requests

You are required by this Demand to produce any and all of the documents specified in Attachment B. The responses to the documents requested shall be provided to Assistant United States [REDACTED], who has been designated as a False Claims Act Custodian in this matter. Mr. [REDACTED] can be reached at [REDACTED].

The documents shall be produced not later than thirty (30) days after your receipt of this Demand. at the Office of the United States Attorney for the Western District of Kentucky, or at another location to be mutually agreed upon by you and the False Claims Act custodian.

Responses sent to the United States Attorney's Office should be addressed as follows:

[REDACTED]  
United States Attorney's Office  
Western District of Kentucky  
717 West Broadway  
Louisville, Kentucky 40202  
[REDACTED]

The production of documentary material in response to this Demand must be made under a sworn certificate in the form printed in this Demand.

The general purpose for which this Civil Investigative Demand is issued is to obtain documents to assist the United States in investigating the aforementioned allegations.

Issued at Louisville, Kentucky, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
United States Attorney  
Western District of Kentucky

## ATTACHMENT A

### DEFINITIONS

These definitions are applicable to the document requests served with this Civil Investigative Demand No. CID-2 [REDACTED]

Unless stated otherwise, the following items shall have the meanings specified:

1. "Documents" means all written, printed, typed, recorded, electronic, or graphic matter of every type or description, including but not limited to, ledgers, books of account, payroll ledgers, checks, check stubs, or registers, bank statements, wire transfers, powers of attorney, receipts, vouchers, invoices, journals, appointment books or calendars, diaries, reports, correspondence, notes, memoranda, minutes of meetings, instructions, directives, agreements, contracts, charts, graphs, manuals, videotapes, audiotapes, data compilations, marketing materials, training materials, and material stored in any data storage system, to include electronic storage media, which incorporates electronic mail, voice mail messages, facsimiles, videotapes, audiotapes, photographs, magnetic tapes, computer discs (including floppy disks, hard drives, and hard disks), all programming instructions, record layouts, and other material necessary for the retrieval of all electronic or word processing material and printouts of data or information stored or maintained by electronic means. "Documents" is also defined to require the production of documents, such as distribution lists, that identify persons (including their addresses and telephone numbers) who receive the subject matter set forth in the individual specification. "Documents" also includes preliminary drafts or revisions, any attachments or enclosures, as well as copies or duplicates that are not identical to the original because of additions, deletions, alterations or notations. "Documents" and "Records" will be synonymous.

2. "Correspondence" includes, but shall not be limited to, any letter, telegram, email, facsimile, telex, notice, message, memorandum, other written communication, transcription, notes of a communication, and other records of conversations, meetings, conferences, or of other oral communications.

3. "You" and "yours" refers to Dr. [REDACTED] and all other persons or entities acting for or on behalf of Dr. [REDACTED] purporting to act for or on behalf of Dr. [REDACTED]

4. "[REDACTED]" shall refer not only to that entity, but also to that entity's subsidiaries, affiliates, divisions, representatives, agents, contractors, and employees.

5. [REDACTED] Inc., shall refer not only to that entity, but also to that entity's subsidiaries, affiliates, divisions, representatives, agents, contractors, and employees.

6. "Medical Provider" shall refer to any doctor, physician's assistant, nurse practitioner, or other medical professional who provides medical services, including any entity employing or contracting with such medical professionals.

7. "Medicare" shall refer to the federal health insurance program for people who are 65 or older, certain younger people with disabilities, and people with End-Stage Renal Disease (permanent kidney failure requiring dialysis or a transplant, sometimes called "ESRD.")

8. "Federal health care program" means (1) any plan or program that provide8 health benefits, whether directly, through insurance, or otherwise, which is funded directly, in whole or in part, by t:he United States Government, or (2) any State health care program, as defined in 42 U.S.C § 1320a-7(b).

9. "Pertaining to," "relating to," "related," "related to," "regarding," "referring to," or "concerning" are used in the broadest sense to mean in any way, whether directly or indirectly, involving, concerning, being appropriate for, considering, underlying, modifying, amending, confirming, endorsing, evidencing, representing, supporting, qualifying, terminating, revoking, cancelling, or negating.

10. The words "or" and "and" are inclusive, referring to any one or more of the disjoined words or phrases, and "any" and "all" also include "each and every."

11. The singular form of a noun or pronoun shall be considered to include within its meaning the plural form of the noun or pronoun so used, and vice versa.

12. All present tenses of verbs or verb forms shall be considered to include within their meaning the future and past tenses so used, and vice versa.

## ATTACHMENT B

### DOCUMENT REQUESTS

#### INSTRUCTIONS

1. Except as otherwise provided in these instructions, this Demand requires you to produce all documents responsive to one or more of the specifications set out below that are in your possession, custody or control. All documents are to be in their original form and are to include all marginalia and attached post-its, as well as any attachments referred to or incorporated by the document.

2. Unless otherwise stated in any specification, this Demand refers to the time period from [REDACTED], through the present and calls for the production of all documents dated, composed, created, revised, referred to, or in effect at any time during that time frame.

3. To the extent that documents responsive to this Demand once were, but no longer are, in your possession, custody or control, this notice requires production of all existing indices, lists, or other documents in your possession, custody or control that reflect transfer or destruction of, or references to, such documents. If no documents or other information exist that are responsive to a given specification, you shall provide a written statement to that effect at the time of production.

4. To the extent that documents responsive to this Demand are in the possession, custody or control of third parties, this Demand requires you to provide a written statement to that effect at the time of production, specifically providing the name, address, telephone number and principal contact of the third party, and identifying those documents in said third party's possession.

5. To the extent that documents responsive to this request are publicly available, it shall be sufficient for you to provide a list of such documents and to specify the documents' locations.

6. Electronically stored information and this document production shall be produced in accordance with the attached rider to this Civil Investigative Demand.

DOCUMENTS REQUESTED

1. All Correspondence between you and [REDACTED]
2. All Correspondence between you and [REDACTED]
3. All contracts or agreements between you and [REDACTED]
4. All contracts or agreements between you and [REDACTED]
5. All documents and Correspondence pertaining to direct or indirect remuneration made or owed to you by [REDACTED]
6. All Documents and Correspondence pertaining to direct or indirect remuneration made or owed to you by [REDACTED]
7. All contracts or agreements between [REDACTED] any other individual or entity from which you receive any financial benefits.
8. All promotional or marketing materials from or related to [REDACTED]
9. All promotional or marketing material from or related to [REDACTED]