

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. **12-23588**

W - HUCK

UNITED STATES OF AMERICA

Plaintiff,

v.

SILA LUIS, ELSA RUIZ, and
MYRIAM ACEVEDO,

FILED UNDER SEAL

Defendants.

TEMPORARY RESTRAINING ORDER

On this 3rd day of October 2012, at 9:20 A.m., upon consideration of Plaintiff United States of America's Motion for Temporary Restraining Order and Preliminary Injunction and Supporting Memorandum of Law, pursuant to 18 U.S.C. § 1345, the Complaint filed by Plaintiff United States of America, and the Declaration of Clint E. Warren, the Court finds that the United States has demonstrated that:

1. the Defendants Sila Luis, Elsa Ruiz, and Myriam Acevedo are violating and unless enjoined will continue to violate 18 U.S.C. § 1349, 18 U.S.C. § 371, and/or 42 U.S.C. § 1320a-7b and have committed and unless enjoined would continue to commit a Federal health care offense through the submission of false and fraudulent claims to the Medicare program;
2. the Defendants are alienating or disposing of property, and intend to alienate or dispose of property, obtained as a result of a Federal health care offense, property which is traceable to such violation, or property of equivalent value; and

3. the provision of advance notice to the Defendants will likely aggravate the damage that the order seeks to prevent because advance notice will provide the Defendants with the opportunity to transfer, expend, or conceal the remaining property.

Based on the foregoing, the Court hereby concludes as follows:

4. that the requested relief be considered and GRANTED without prior notice to the Defendants; and

5. because the United States' motion is based upon 18 U.S.C. § 1345, which expressly authorizes injunctive relief to protect the public interest, no specific finding of irreparable harm is necessary, no showing of the inadequacy of other remedies at law is necessary, and no balancing of the interests of the parties is required prior to the issuance of a temporary restraining order in this case.

After consideration of the foregoing, it is therefore

ORDERED, ADJUDGED, and DECREED that the Defendants, their respective owners, agents, employees, attorneys, and all persons acting in concert and participation with them, including all banking and other financial institutions at which they do business, and all corporations over which they exercise control, who receive actual or constructive notice by personal service, by publication, or otherwise, be enjoined as follows:

1. From making or submitting or conspiring to make or submit any claims to the Medicare program or any health care benefit program, as defined in 18 U.S.C. § 24(b), in violation of 18 U.S.C. § 1349, 18 U.S.C. § 371, and/or 42 U.S.C. § 1320a-7b, and from committing any Federal health care offense, as defined in 18 U.S.C. § 24;

2. From alienating, withdrawing, transferring, removing, dissipating, or otherwise disposing of, in any manner, any moneys or sums presently deposited, or held on

behalf of any Defendant by any financial institution, trust fund, or other financial entity, public or private, that are proceeds or profits from Defendants' Federal health care offenses or property of an equivalent value of such proceeds or profits, **including but not limited to** the following accounts:

<u>Bank Name</u>	<u>Account Holder</u>	<u>Account Number Ending In</u>
SunTrust	LTC	x5786
SunTrust	LTC	x0769
Wells Fargo	LTC	x4160
Wachovia	LTC	x8976
SunTrust	LTC	x0536
SunTrust	LTC	x4361
SunTrust	LTC	x0769
SunTrust	LTC	x1740
Bank Atlantic	LTC	x3921
Bank Atlantic	LTC	x6860
Regions Bank	Sila Luis/Wilfredo Luis	x7541
Regions Bank	Sila Luis/Wilfredo Luis	x8199
Regions Bank	Sila Luis/Wilfredo Luis	x8326
Bank of America	Sila Luis	x1826
Bank of America	Sila Luis	x4829
Bank of America	Sila Luis	x4887
Bank of America	Sila Luis	x8884
Bank of America	Sila Luis	x8897
HSBC	Sila Luis	x0408
Bank Atlantic	Sila Luis/Kyusttin A. Abreu	x6251
Bank of America	Sila Luis	x8884
SunTrust	Sila Luis	x0627
SunTrust	Sila Luis	x1348

SunTrust	Sila Luis	x5426
SunTrust	Sila Luis	x0623
Eastern National Finance	Sila Luis	x7406
Eastern National Finance	Sila Luis	x2402
WAMU	Sila Luis	x8534
Bank of America	Sila Luis	x4882
Regions Bank	Sila Luis	x7134
SunTrust	Elsa Ruiz	x5854
Bank of America	Elsa Ruiz	x4805
International Finance	Professional Home Care	x3458
SunTrust	Professional Home Care	x4477
Wachovia	Myriam Acevedo	x1736
Power Financial CU	Myriam Acevedo	x11-31
Regions Bank	Myriam Acevedo	x3568
Regions Bank	Myriam Acevedo	x9652
SunTrust	Myriam Acevedo	x1744
Eagle National Bank	Myriam Acevedo	x1803

3. From alienating, withdrawing, transferring, removing, dissipating, or otherwise disposing of, in any manner, assets, real or personal (including, for example, real estate, motor vehicles, boats and watercraft, jewelry, artwork, antiques, household furniture and furnishings, etc.), in which any Defendant has an interest, up to the equivalent value of the proceeds of the Federal health care fraud, **including but not limited to** the following properties:

<u>Owner</u>	<u>Address</u>	<u>Assessed Value</u>
Sila Gutierrez	600 NW 32nd Pl., #207, Miami, FL 33125	\$41,990
Sila Luis	600 NW 32nd Pl., # 413, Miami, FL 33125	\$39,690

Sila Luis	3401 SW 11th St., 1-B, Miami, FL 33135	\$61,190
Sila Gutierrez & Wilfredo Luis	4779 Collins Ave., #2007, Miami Beach, FL 33140	\$520,610
Sila Gutierrez & Wilfredo Luis	6055 SW 87th Ave., Miami, FL 33173	\$754,624
Sila Luis & Wilfredo Luis	16171 SW 151 Terrace, Miami, FL 33196	\$205,870
Sila Luis & Wilfredo Luis	6940 SW 90th St., Miami, FL 33156	\$1,208,608
JS Property Holdings, LLC (owned by Sila Luis)	3401 SW 11th St., 2A, Miami, FL 33135	\$61,190
JS Property Holdings, LLC (owned by Sila Luis)	1250 West Ave, Apt. 4G, Miami Beach, FL 33139	\$72,050
JS Property Holdings, LLC (owned by Sila Luis)	7400 SW 48th St., Miami, FL 33155	\$274,010
JS Property Holdings, LLC (owned by Sila Luis)	7174 SW 47th St., #7174, Miami, FL 33155	\$214,080
JS Property Holdings, LLC (owned by Sila Luis)	1250 West Ave., Apt. 4D, Miami Beach, FL 33139	\$74,510
Myriam Acevedo	3261 SW 140 Avenue, Miami, FL 33175	\$210,212
Myriam Acevedo	13458 SW 62 St., #110-Q, Miami, FL 33183	\$65,240
Myriam Acevedo	10700 NW 66 St., #206, Miami, FL 33178	\$179,982
Myriam Acevedo	2299 SW 27th Ave., Miami, FL 33145	\$709,396

IT IS FURTHER ORDERED that Defendants, their respective owners, agents, employees, attorneys, and all persons acting in concert and participation with them, including all banking and other financial institutions at which they do business, and all corporations over which they exercise control, are ordered:

4. To preserve all business, financial and accounting records, including bank records, that detail any of Defendants' business operations and disposition of any payment that directly or indirectly arose from the payment of money to any Defendant on behalf of the Medicare program;

5. To preserve all medical records, including patient records, that relate to any Defendants' business operations and/or to services for which claims were submitted to the Medicare program;

IT IS FURTHER ORDERED that Defendants, within one calendar week of receiving notice of this Order:

6. Provide to the United States the following:

a. a list of all post office boxes or other locations at which mail addressed to each Defendant is received by or on behalf of each Defendant;

b. a list of all financial institutions, including but not limited to banks and brokerage houses, at which there are now, or have been maintained in the past three years, any savings, checking, money market, investment, retirement, or any other kind of account or other safe deposit box into which money has been deposited in any Defendant's name or in the names of any of their owners, agents, employees, officers, persons acting in concert with them, or any business names under which they operate, together with the number or other designation of each such account or box;

c. a list of all financial institutions, including but not limited to, banks and brokerage houses, at which there are now, or have been maintained in the past three years, any savings, checking, money market, investment, retirement, or any other kind of account or other safe deposit box into which monies received in response to any of the activities described in the United States' complaint, have been deposited, together with the number of such box or other designation of each such account or box; and

d. the names, addresses, and telephone numbers of any individuals who have received remuneration of any kind for assisting in record-keeping, bookkeeping,

accounting, brokering, or financial, investment, or tax advice or consultation for any Defendant in the past three years;

7. Complete a Financial Disclosure Statement form provided by the United States and, on a monthly basis, provide an accounting of their assets in suitable reports detailing their financial conditions.

IT IS FURTHER ORDERED that the United States shall promptly attempt to provide notice of this action and this Order to Defendants by, to the extent necessary, attempting service at last known addresses and by attempting telephone notice via known telephone numbers. Pursuant to 18 U.S.C. § 1345(a)(3) and Rule 65(c) of the Federal Rules of Civil Procedure, Plaintiff United States of America shall not be required to post security for the instant action.

This temporary restraining order shall remain in force until the close of business on the 13th day of October, 2012, or at such later date as may be extended by the Court, or agreed upon by the parties.

The parties shall take notice that this matter shall come before the Court for a preliminary injunction hearing on the 12th day of October, 2012, at 4:00

p. m., in accordance with Plaintiff's complaint and motion for injunctive relief. Defendants may request an earlier hearing on the terms of this temporary restraining order in accordance

with the terms of Federal Rule of Civil Procedure 65. *The hearing will be held in Courtroom 12-2, 400 N. Miami Avenue, Miami, FL before U.S. District Court Judge Cecilia Altogna.*

DONE AND ORDERED at Miami, Florida, this 3rd day of October, 2012.


UNITED STATES DISTRICT JUDGE

cc: Susan Torres, AUSA