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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

-oOo-

UNITED STATES OF AMERICA,)	SEALED CRIMINAL INDICTMENT
)	
Plaintiff,	)	2:16-CR- <u>33</u>
)	
	)	VIOLATIONS:
v.)	
	)	18 U.S.C. § 371 – Conspiracy to Traffic in
DMITRIY V. MELNIK,	)	Counterfeit Goods and to Introduce into
a/k/a Dmitry Melnik,	)	Interstate Commerce Misbranded Devices
a/k/a Dimitri Melnik,	)	18 U.S.C. § 2320(a)(1) – Trafficking in
	)	Counterfeit Goods
Defendant.	)	21 U.S.C. §§ 331(a) and 333(a)(2) –
	)	Introduction into Interstate Commerce of
	)	Misbranded Devices
	)	18 U.S.C. § 2 – Aiding and Abetting

...

...

1 **THE GRAND JURY CHARGES THAT:**

2 At all times material to this Indictment:

3 **General Allegations**

4 1. Candy Color Lenses, a business involving the importation and sale of colored contact
5 lenses, was operated over the internet through www.candycolorlenses.com.

6 2. Defendant DMITRIY V. MELNIK a/k/a Dmitry Melnik a/k/a Dimitri Melnik
7 ("MELNIK") was the owner and operator of Candy Color Lenses.

8 3. 363 Solutions, Inc. ("363 Solutions") was based in Las Vegas, Nevada, and engaged
9 in the business of commercial cleaning services as well as importing and selling contact lenses. 363
10 Solutions' business address was 573 Pale Pueblo Court, Las Vegas, Nevada 89123.

11 4. MELNIK was the owner and operator of 363 Solutions.

12 5. LV Hangers, Inc. ("LV Hangers") was based in Las Vegas, Nevada, and was engaged
13 in the business of manufacturing, including producing wire hangers, as well as storing contact lenses
14 and preparing shipments of those contact lenses to customers. LV Hangers' business address was
15 6270 Kimberly Avenue, Suite B, Las Vegas, Nevada 89122.

16 6. MELNIK was the owner and operator of LV Hangers.

17 7. Shoes 4 Less was based in Henderson, Nevada, and was engaged in the business of
18 selling shoes, clothing, contact lenses, and other items. Shoes 4 Less's business address was 10000
19 S. Eastern Avenue, Henderson, Nevada 89052.

20 8. An individual related to MELNIK was the owner and operator of Shoes 4 Less.

21 9. As part of his operation of Candy Color Lenses, MELNIK used the email addresses
22 ccl.team@yahoo.com, candycolorlenses@gmail.com, guddeal4you@candycolorlenses.com, and
23 lv363solutions@yahoo.com.

24 ...

1 c. Number 3,429,280 ("the '280 Mark"), "CIBA VISION," for use in connection
2 with contact lenses.

3 15. FreshLook COLORBLEND S were disposable colored soft contact lenses designed
4 for daily wear, with nightly removal and proper cleaning and storage for up to two weeks before
5 disposal. A soft contact lens is intended to be worn directly against the cornea and adjacent limbal
6 and scleral areas of the eye.

7 16. FreshLook COLORBLEND S were available in numerous colors including blue,
8 honey, green, gray, brown, turquoise, amethyst, true sapphire, and pure hazel.

9 17. Generally, FreshLook COLORBLEND S were available at participating optometrist
10 and ophthalmologist offices and at optical store retailers. They were packaged six contact lenses in
11 one box. Novartis provided information to eye care professionals to advise users on directions for
12 use as well as warnings against unsafe methods and duration of administration and application.

13 18. Novartis did not manufacture or license the manufacture of FreshLook
14 COLORBLEND S in the People's Republic of China ("China") or the Republic of Korea ("South
15 Korea"). Rather, they were manufactured in Batam, Indonesia.

16 19. Novartis only permitted authorized distributors to sell FreshLook COLORBLEND S.
17 MELNIK, Candy Color Lenses, LV Hangers, 363 Solutions, and Shoes 4 Less were not authorized
18 to sell these items.

19 20. Other disposable colored soft contact lenses including those under the brand names
20 Cool, Jessica, ViviGo, and Crazy were manufactured and distributed in other countries. These
21 contact lenses were available in numerous different colors and styles.

22 **Regulatory Background**

23 21. The U.S. Food and Drug Administration ("FDA"), part of the Department of Health
24 and Human Services, was the agency of the United States responsible for enforcing the provisions of

1 the Food, Drug and Cosmetic Act ("FD&C Act"). Among the purposes of the FD&C Act was to
2 ensure that devices intended for use in the mitigation of disease or intended to affect the structure or
3 any function of the body, provided reasonable assurances of safety and effectiveness.

4 22. Under the FD&C Act, all contact lenses were devices. 21 U.S.C. §§ 321(h) and
5 360j(n).

6 23. Specifically, a soft contact lens intended for daily wear only was a Class II device.
7 21 C.F.R. § 886.5925(b)(1). If the soft contact lens was intended for extended wear, it was a Class
8 III device. 21 C.F.R. § 886.5925(b)(2).

9 24. Class I devices were subject to general controls including registration, listing,
10 reporting requirements, and prohibitions against misbranding. 21 U.S.C. § 360c(a)(1)(A).

11 25. For Class II devices, the general controls applicable to Class I devices were by
12 themselves insufficient to provide a reasonable assurance of safety and effectiveness. Therefore, in
13 addition to general controls, the FDA could establish special controls such as premarket notification
14 (also known as "510(k) clearance"), performance standards, and postmarket surveillance for Class II
15 devices. 21 U.S.C. § 360c(a)(1)(B).

16 26. For Class III devices, both the general controls applicable to Class I devices and the
17 special controls for Class II devices were by themselves insufficient to provide a reasonable
18 assurance of safety and effectiveness where the device's use had a substantial importance in
19 preventing impairment of human health or presented a potential unreasonable risk of illness or
20 injury. Therefore, in addition to the general and special controls, the FDA required further
21 premarket approval before the devices could be imported or sold in the United States. 21 U.S.C.
22 § 360c(a)(1)(C).

23 27. The owner or operator of an establishment within any foreign country engaged in the
24 manufacture, preparation, propagation, compounding, or processing of a device that was imported or

1 offered for import into the United States was required to register with the FDA and to list its
2 products with the FDA by providing certain required information about those products. 21 U.S.C. §
3 360(i) and (j).

4 28. A person required to register with the FDA who sought to distribute commercially
5 contact lenses that were Class II devices by introducing or delivering for introduction those devices
6 into interstate commerce generally needed prior clearance from the FDA through the 510(k)
7 submission process. 21 U.S.C. § 360(k).

8 29. It was unlawful to introduce or deliver for introduction into interstate commerce any
9 device that was misbranded. 21 U.S.C. § 331(a).

10 30. The connection with "interstate commerce" required for jurisdiction was presumed to
11 exist in any action to enforce the requirements of the FD&C Act. 21 U.S.C. § 379a.

12 31. A device was misbranded if its labeling was false or misleading in any particular. 21
13 U.S.C. § 352(a).

14 32. A device was misbranded if it was manufactured, prepared, propagated, compounded,
15 or processed in an establishment that was not duly registered with the FDA under 21 U.S.C. § 360.
16 21 U.S.C. § 352(o).

17 33. A device was misbranded if it was not included in a list required by 21 U.S.C.
18 § 360(j) to be filed with the FDA of devices manufactured, prepared, propagated, compounded, or
19 processed by registered establishments. 21 U.S.C. § 352(o).

20 34. A device was misbranded if it was not covered by notices or other information to be
21 provided to the FDA by registered establishments as required by 21 U.S.C. §§ 360(j) and (k). 21
22 U.S.C. § 352(o).

23 35. A device was misbranded if its labeling did not bear adequate directions for use,
24 unless the FDA promulgated regulations exempting the device from this requirement. 21 U.S.C.

1 § 352(f)(1); 21 C.F.R. § 801.109.

2 36. A device was misbranded if its labeling did not bear adequate warnings against
3 unsafe methods or duration of administration or application, in such a manner and form as was
4 necessary for the protection of users. 21 U.S.C. § 352(f)(2).

5 37. Contact lenses had potentiality for harmful effect, including scratches on the cornea,
6 corneal infection, conjunctivitis, decreased vision, and blindness. Accordingly, adequate directions
7 for use for contact lenses could not be prepared, and contact lenses could only be sold to or on the
8 prescription of a practitioner licensed by law to direct their use. 21 C.F.R. § 801.109.

9 38. In addition, substandard or counterfeit contact lenses and contact lens solution could
10 contain bacteria and other microorganisms that could contaminate an individual's contact lenses and
11 lead to serious eye infections.

12 39. The *Ochrobactrum anthropi* bacterium was a potential human pathogen that could
13 cause severe symptoms in humans, particularly individuals with an underlying medical condition.
14 Specifically, it could have caused bacteremia, which in turn could result in sepsis, septic shock, and
15 even lead to possible fatal infections such as infective endocarditis and osteomyelitis.
16 *Ochrobactrum anthropi* had a very broad spectrum of antibiotic resistance, which made it difficult to
17 treat.

18 **Suppliers**

19 40. Supplier 1 was located in South Korea and supplied MELNIK with contact lenses
20 labeled as Jessica. Jessica contact lenses were not manufactured, prepared, propagated,
21 compounded, and processed in an establishment registered with the FDA and were not cleared,
22 approved, and authorized by the FDA for import, distribution, and sale in the United States.

23 41. Supplier 2 was located in China and supplied MELNIK with contact lenses labeled as
24 Cool and ViviGo as well as contact lenses with counterfeit Ciba Vision FreshLook

1 COLORBLEND trademarks. Cool contact lenses were not manufactured, prepared, propagated,
2 compounded, and processed in an establishment registered with the FDA and not cleared, approved,
3 and authorized by the FDA for import, distribution, and sale in the United States. ViviGo contact
4 lenses were not manufactured, prepared, propagated, compounded, and processed in an
5 establishment registered with the FDA and not cleared, approved, and authorized by the FDA for
6 import, distribution, and sale in the United States.

7 42. Supplier 3 was located in China and supplied MELNIK with contact lenses labeled as
8 Crazy. Crazy contact lenses were not manufactured, prepared, propagated, compounded, and
9 processed in an establishment registered with the FDA and not cleared, approved, and authorized by
10 the FDA for import, distribution, and sale in the United States.

11 43. Supplier 4 was located in China and supplied MELNIK with contact lenses labeled as
12 Cool. Cool contact lenses were not manufactured, prepared, propagated, compounded, and
13 processed in an establishment registered with the FDA and not cleared, approved, and authorized by
14 the FDA for import, distribution, and sale in the United States.

15 **COUNT ONE**

16 (Conspiracy to Traffic in Counterfeit Goods and to Introduce into Interstate Commerce
Misbranded Devices)

17 44. The Grand Jury further charges and incorporates by reference the allegations of
18 paragraphs 1 through 43 above, as though fully set forth herein.

19 45. Beginning on a date unknown, but by no later than in or about February 2011, and
20 continuing to on or about August 21, 2013, in the Federal District of Nevada and elsewhere,

21 DMITRIY V. MELNIK,
22 a/k/a Dmitry Melnik,
a/k/a Dimitri Melnik,

23 and others known and unknown to the Grand Jury, knowingly and intentionally combined,
24 conspired, and agreed to commit certain offenses against the United States, namely:

1 a. Trafficking in counterfeit goods, in violation of Title 18, United States Code,
2 Section 2320(a)(1); and

3 b. With intent to defraud and mislead, introducing and causing to be introduced,
4 and delivering and causing delivery for introduction, into interstate commerce misbranded devices,
5 in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2).

6 PURPOSE AND OBJECTS OF THE CONSPIRACY

7 46. The conspiracy had the following purpose and objects, among others: to make
8 money by importing counterfeit and misbranded devices, namely, Ciba Vision FreshLook
9 COLORBLEND, Cool, Jessica, ViviGo, Crazy, and other contact lenses in the United States;
10 avoiding detection and seizure of the illegal contact lenses by U.S. Customs authorities; and after
11 receipt of the counterfeit and unauthorized contact lenses, unlawfully selling them as “authentic” to
12 customers located throughout the United States.

13 MANNER AND MEANS OF THE CONSPIRACY

14 47. In furtherance of the conspiracy, MELNIK, together with others known and unknown
15 to the Grand Jury, employed, among others, the following manner and means:

16 48. It was part of the conspiracy that conspirators imported thousands of contact lenses
17 into the United States from China and South Korea that bore counterfeit trademarks and were
18 otherwise misbranded.

19 49. It was a further part of the conspiracy that conspirators imported contact lenses with
20 counterfeit Ciba Vision FreshLook COLORBLEND trademarks and sought to ensure that the
21 contact lenses and their packaging would look “correct.”

22 50. It was a further part of the conspiracy that the wholesale price of the counterfeit and
23 unauthorized contact lenses imported into the United States was generally just a few dollars a pair
24 but that the retail price in the United States charged customers was substantially more.

1 51. It was a further part of the conspiracy that the companies that manufactured and
2 exported the contact lenses to the United States were not registered with the FDA and had not
3 provided to the FDA any of the required forms, notices, and other information necessary to import
4 the contact lenses into the United States, and conspirators knew that it was unlawful to import into
5 and sell the contact lenses in the United States.

6 52. It was a further part of the conspiracy that conspirators were informed that
7 unauthorized contact lenses could not be imported into the United States and sold there but
8 continued to import and sell unauthorized contact lenses into the United States.

9 53. It was a further part of the conspiracy that conspirators mislabeled and undervalued
10 contact lenses for import into the United States to attempt to evade scrutiny by customs officers and
11 thus avoid rejection or seizure.

12 54. It was a further part of the conspiracy that conspirators caused contact lenses to be
13 sent in different shipments to different addresses, including two Post Office Boxes, on different days
14 to attempt to evade scrutiny by customs officers and thus avoid rejection and seizure.

15 55. It was a further part of the conspiracy that, after customs officers rejected
16 unauthorized contact lens shipments to the United States and returned them, conspirators would
17 cause the shipments to be resent to the United States, where the contact lenses would then be sold.

18 56. It was a further part of the conspiracy that contact lenses imported and sold in the
19 United States were counterfeit, substandard, and low quality; had the potentiality of harmful effect,
20 including scratches on the cornea, corneal infection, conjunctivitis, decreased vision, and blindness;
21 and some were contaminated with the *Ochrobactrum anthropi* bacterium, a potential human
22 pathogen.

23 57. It was a further part of the conspiracy that conspirators sold counterfeit and
24 unauthorized contact lenses without a prescription and thus without proof that the customer had

1 previously seen a licensed practitioner, and without required FDA instructions and warnings.

2 58. It was a further part of the conspiracy that conspirators tried to ensure counterfeit
3 contact lenses looked authentic and they were sold to retail customers as authentic, when in fact
4 many retail customers complained after purchasing the contact lenses about their poor quality and
5 questioned whether the contact lenses were authentic and whether the FDA had authorized the sale
6 of the contact lenses.

7 59. It was a further part of the conspiracy that the conspirators stored, repackaged,
8 proffered for sale, and sold counterfeit and unauthorized contact lenses and contact lens solution at
9 various locations including www.candycolorlenses.com, 363 Solutions, LV Hangers, and Shoes 4
10 Less, with thousands of contact lenses being distributed to retail customers through the United
11 States.

12 60. It was a further part of the conspiracy that conspirators communicated by electronic
13 mail and other means regarding orders, purchases, and deliveries of contact lenses and regarding
14 international wire payments for those contact lenses.

15 OVERT ACTS COMMITTED IN FURTHERANCE OF THE CONSPIRACY

16 61. In furtherance of the conspiracy and to effect the objects thereof, at least one of the
17 co-conspirators committed and caused to be committed in the District of Nevada and elsewhere, the
18 following overt acts:

19 a. On or about September 13, 2011, MELNIK ordered from Supplier 1 in South
20 Korea 900 pairs of contact lenses bearing the brand name Jessica and 1000 contact lenses cases.

21 b. On or about September 14, 2011, MELNIK received an invoice for his order
22 from Supplier 1 billing him \$2829.00.

23 c. On or about September 14, 2011, MELNIK wired \$2829.00 from Citibank
24 Account xxxxx0481 to Supplier 1.

1 d. On or about August 14, 2012, MELNIK ordered from Supplier 2 in China 350
2 contact lenses with counterfeit Ciba Vision FreshLook COLORBLENDS trademarks.

3 e. On or about August 14, 2012, MELNIK ordered from Supplier 2 in China 900
4 contact lenses bearing the brand name Cool.

5 f. On or about August 14, 2012, MELNIK received an invoice for his orders
6 from Supplier 2 billing him \$3500.00.

7 g. On or about August 14, 2012, MELNIK wired \$3500.00 from Citibank
8 Account xxxxx0481 to Supplier 2.

9 h. On or about January 10, 2013, MELNIK ordered from Supplier 3 in China
10 675 pairs of contact lenses bearing the brand name Crazy.

11 i. On or about January 10, 2013, MELNIK received an invoice for his order
12 from Supplier 3 billing him \$1780.00.

13 j. On or about January 14, 2013, MELNIK wired \$1780.00 from Citibank
14 Account xxxxx0481 to Supplier 3.

15 k. On or about January 24, 2013, MELNIK ordered from Supplier 4 in China
16 300 pairs of contact lenses bearing the brand name Cool.

17 l. On or about January 24, 2013, MELNIK received an invoice for his order
18 from Supplier 4 billing him \$1812.50.

19 m. On or about January 24, 2013, MELNIK wired \$1812.50 from Citibank
20 Account xxxxx0481 to Supplier 4.

21 n. On or about July 22, 2013, MELNIK caused delivery to be proffered of three
22 pairs of contact lenses bearing counterfeit Ciba Vision FreshLook COLORBLENDS trademarks for
23 \$52.92 from Nevada.

24 ...

1 o. On or about July 30, 2013, MELNIK caused three pairs of contact lenses
2 bearing counterfeit Ciba Vision FreshLook COLORBLEND S trademarks to be delivered to Arizona.

3 All in violation of Title 18, United States Code, Section 371.

4 **COUNTS TWO THROUGH FIVE**
5 **(Trafficking in Counterfeit Goods; Aiding and Abetting)**

6 62. The allegations of paragraphs 1 through 43 above are realleged and incorporated
7 herein by reference.

8 63. On or about the dates listed below in the District of Nevada, and elsewhere, the
9 defendant

10 DMITRIY V. MELNIK,
11 a/k/a Dmitry Melnik,
12 a/k/a Dimitri Melnik,

13 intentionally trafficked and attempted to traffic in goods, namely, contact lenses, while knowingly
14 using on or in connection with those goods counterfeit marks, namely, spurious marks identical with
15 and substantially indistinguishable from the '957 Mark, '808 Mark, and '280 Mark, contrary to the
16 provisions of 18 U.S.C. § 2320(a)(1), each such instance being a separate count of this indictment,
17 as more fully described below:

Count	Approximate Date	Approximate Quantity	Brand	Seller	Origin	Destination
2	4/23/12	350 pairs	Ciba Vision FreshLook COLORBLEND S	Supplier 2	China	United States
3	8/14/12	350 pairs	Ciba Vision FreshLook COLORBLEND S	Supplier 2	China	United States
4	9/9/12	310 pairs	Ciba Vision FreshLook COLORBLEND S	Supplier 2	China	United States
5	9/26/12	300 pairs	Ciba Vision FreshLook COLORBLEND S	Supplier 2	China	United States

24 All in violation of Title 18, United States Code, Sections 2320(a)(1) and 2.

COUNTS SIX THROUGH EIGHT

(Introduction into Interstate Commerce of Misbranded Devices; Aiding and Abetting)

64. The allegations of paragraphs 1 through 43 above are realleged and incorporated herein by reference.

65. On or about the dates listed below in the District of Nevada, and elsewhere, the defendant

DMITRIY V. MELNIK,
a/k/a Dmitry Melnik,
a/k/a Dimitri Melnik,

with the intent to defraud and mislead, did introduce and cause to be introduced into interstate commerce, and did deliver and cause delivery for introduction into interstate commerce, devices, that is, contact lenses that were misbranded in the following way: their labeling was false and misleading in any particular, contrary to the provisions of 21 U.S.C. § 352(a), each such instance being a separate count of this indictment, as more fully described below:

Count	Approximate Date	Approximate Quantity	Brand	Origin	Destination
6	11/15/12	3 pairs	Ciba Vision FreshLook COLORBLEND	Nevada	Arizona
7	3/1/13	5 pairs	Ciba Vision FreshLook COLORBLEND	Nevada	Arizona
8	7/22/13	3 pairs	Ciba Vision FreshLook COLORBLEND	Nevada	Arizona

All in violation of Title 21, United States Code, Section 331(a) and 333(a)(2) and Title 18, United States Code, Section 2.

COUNTS NINE THROUGH TEN

(Introduction into Interstate Commerce of Misbranded Devices; Aiding and Abetting)

66. The allegations of paragraphs 1 through 43 above are realleged and incorporated herein by reference.

FORFEITURE ALLEGATION

(Conspiracy to Traffic in Counterfeit Goods; Trafficking in Counterfeit Goods)

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68. The allegations contained in Counts One through Five of this Indictment are hereby realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 2323(b) and Title 18, United States Code, Section 2323(a)(1) with Title 28, United States Code, Section 2461(c).

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69. Upon conviction of the felony offenses charged in Count One of this Indictment,

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DMITRIY V. MELNIK,
a/k/a Dmitry Melnik,
a/k/a Dimitri Melnik,

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defendant herein, shall forfeit to the United States of America, any property subject to forfeiture under Title 18, United States Code, Section 2323(a):

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any article, the making or trafficking of which is, prohibited under Title 18, United States Code, Sections 371 and 2320(a)(1),

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any property used, or intended to be used, in any manner or part to commit or facilitate the commission of Title 18, United States Code, Sections 371 and 2320(a)(1),

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any property constituting or derived from any proceeds obtained directly or indirectly as a result of the commission of Title 18, United States Code, Sections 371 and 2320(a)(1),

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including, but not limited to, the following:

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a. 908 boxes (each containing two foils) and 45 single foils of contact lenses labeled as manufactured by Ciba Vision with the brand name FreshLook COLORBLENDS, and seized on or about August 21, 2103;

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b. 1627 boxes (each containing two foils) and 23 single foils of contact lenses labeled as manufactured by Cool with the brand name Cosmetic Tornado B, and seized on or about August 21, 2013;

1 c. 282 boxes (each containing two foils) of contact lenses labeled as
2 manufactured by Innova Vision with the brand name ColorMaker, and seized on or about August 21,
3 2013;

4 d. 233 boxes (each containing two foils) of contact lenses labeled as
5 manufactured by Innova Vision with the brand name ColorNova, and seized on or about August 21,
6 2013;

7 e. 45 boxes (each containing two foils) of contact lenses labeled as
8 manufactured by Innova Vision with the brand name Magic, and seized on or about August 21,
9 2013;

10 f. 30 boxes (each containing two foils) of contact lenses labeled as
11 manufactured by Innova Vision with the brand name Dragon Gold, and seized on or about August
12 21, 2013;

13 g. 62 foils of contact lenses labeled as manufactured by Innova Vision with the
14 brand name Picasso, and seized on or about August 21, 2013;

15 h. 155 boxes (each containing two foils) of contact lenses labeled as
16 manufactured by Hana Korea, Inc. or Viewell, Inc. with the brand name Jessica, and seized on or
17 about August 21, 2013;

18 i. 4044 miscellaneous unboxed vials containing contact lenses labeled as
19 manufactured by different companies and with different brand names, including but not limited to
20 Cool, Jessica, Vassen ViviGo, Magic, Cherry Gold, Crazy Smile, Pink Cat, Dead White, Yellow
21 Cat, Magic, and Red Hot, and seized on or about August 21, 2013;

22 j. 6 bottles of contact lens solution labeled as manufactured by Ciba Vision with
23 the brand name FreshLook, and seized on or about August 21, 2013;

24 k. Five yellow sealed envelopes bearing return address Candy Ship Dep, PO Box

1 778002, Henderson, NV 89052 and stamps.com number xxxxxxxxxxx4045, seized on or about
2 August 21, 2013;

3 l. \$19,000 in cash in Safety Deposit Box 1004 at US Bank, 4550 E. Sunset Rd.,
4 Henderson, NV, seized on or about August 23, 2013;

5 m. \$12,204.02 in cash in Intuit account number xxxxxxxx4513, seized on or
6 about September 16, 2013;

7 n. \$10,242.50 in cash in Citibank account number xxxxxxxx0481, seized on or
8 about September 13, 2013;

9 o. \$7,000.63 in cash in Citibank account number xxxxxxxx6513, seized on or
10 about September 12, 2013;

11 p. \$2,384.37 in cash in Citibank account number xxxxxxxx6497, seized on or
12 about September 12, 2013;

13 q. \$1,000 in cash in Safety Deposit Box 263 at Citibank, 495 E. Silverado Ranch
14 Blvd., Las Vegas, NV, seized on or about August 23, 2013; and

15 r. \$877.76 in cash in Intuit account number xxxxxxxxxxxx6508, seized on or
16 about September 16, 2013

17 (all of which constitutes property).

18 70. If any property being subject to forfeiture pursuant to Title 18, United States Code,
19 Section 2323(b) and Title 18, United States Code, Section 2323(a)(1) with Title 28, United States
20 Code, Section 2461(c), as a result of any act or omission of the defendant -

- 21 a. cannot be located upon the exercise of due diligence;
22 b. has been transferred or sold to, or deposited with, a third party;
23 c. has been placed beyond the jurisdiction of the court;
24 d. has been substantially diminished in value; or

1 e. has been commingled with other property which cannot be divided without
2 difficulty,

3 it is the intent of the United States of America, pursuant to Title 21, United States Code, Section
4 853(p), to seek forfeiture of any properties of the defendant for the property listed above.

5 All pursuant to Title 18, United States Code, Sections 371, 2320(a)(1), and 2323(b); Title 18,
6 United States Code, Section 2323(a)(1) with Title 28, United States Code, Section 2461(c); and Title
7 21, United States Code, Section 853(p).

8
9 **DATED:** this 3rd day of February 2016

10 **A TRUE BILL:**

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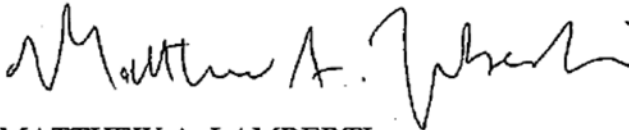
/S/
FOREPERSON OF THE GRAND JURY

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DANIEL G. BOGDEN
United States Attorney

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18 CRANE M. POMERANTZ
Assistant United States Attorney

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