

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**No. 13-cr-20600  
Hon. Paul D. Borman**

**FARID FATA, M.D.**

**Defendant.**

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**NOTICE OF REPORT ON RESTITUTION**

The Court has ordered a hearing on the status of the restitution proceedings pursuant to an Order Establishing a Restitution Plan and Review of Claims for Restitution (“Restitution Order”) entered on April 11, 2016.<sup>1</sup> The Report of the Claims Facilitator, attached hereto as Exhibit 1, sets forth in detail the status of the claims process and review of the 763 claims submitted to the Facilitator as of January 5, 2017.<sup>2</sup> The Claims Facilitator will be in attendance at the January 17, 2017, status hearing to brief the Court regarding the claims process.

The government anticipates that a final Report and Recommendation to the Court shall be completed within the next 6-8 months. At such time, the victim

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<sup>1</sup> The history of restitution proceedings and public hearings on this matter are set forth in greater detail in previous Orders of the Court.

<sup>2</sup> This number includes both the timely-filed claims, postmarked as of November 14, 2016, and untimely-filed claims filed thereafter. The government will process both sets of claims but distinguish them in the final Report and Recommendation to the Court.

claimants have the right to be heard by the Court to address any disputes they have with the government's recommended restitution amount. This Court may institute a process either before it or before a magistrate judge to review and finalize the restitution award. As the venue and process for review will likely be based on the volume of claimants seeking review, the government will update the Court in or around June 2017 regarding the total number of claims in which the government anticipates the restitution amount sought by the claimant exceeds the amount recommended by the government. When the Court has finalized a method of appeal by victim claimants to this Court, a magistrate judge or other designee at the court's discretion, the government will provide notice to the claimants of how to appeal the government's recommendation.

Respectfully submitted,

BARBARA L. MCQUADE

*United States Attorney*

                  /s/  
Catherine K. Dick  
Trial Attorney, Criminal Division  
1301 New York Ave, NW, Ste. 701  
Washington, D.C. 20530  
Phone: (202) 538-4049  
[catherine.dick@usdoj.gov](mailto:catherine.dick@usdoj.gov)

                  /s/  
Sarah Resnick Cohen  
Assistant United States Attorney  
211 West Fort Street, Suite 2001  
Detroit, MI 48226  
Phone: (313) 226-9637  
[sarah.cohen@usdoj.gov](mailto:sarah.cohen@usdoj.gov)

Linda Aouate  
Assistant United States Attorney  
211 West Fort Street, Suite 2001

Detroit, MI 48226  
Phone: (313) 226-9587  
[linda.aouate@usdoj.gov](mailto:linda.aouate@usdoj.gov)

Jacqueline M. Hotz  
Assistant United States Attorney  
211 West Fort Street, Suite 2001  
Detroit, MI 48226  
Phone: (313) 226-9108  
[jackie.hotz@usdoj.gov](mailto:jackie.hotz@usdoj.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that on January 12, 2017, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of such filing to counsel for the defendant.

s/Catherine K. Dick

Trial Attorney

Organized Crime and Gang Section

U.S. Department of Justice

1301 New York Ave., N.W., Suite 701

Washington, D.C. 20005

Phone: (202) 538-4049

E-Mail: [catherine.dick@usdoj.gov](mailto:catherine.dick@usdoj.gov)



COMPLEX SETTLEMENTS, P.C.

Randi Ilyse Roth  
Attorney at Law

rroth@complexsettlements.com

January 10, 2017

Ms. Catherine K. Dick  
Trial Attorney  
U.S. Department of Justice  
1301 New York Ave. N.W.  
Washington, DC 20005

Ms. Linda Aouate  
Assistant United States Attorney  
Chief, Asset Forfeiture Unit  
211 W. Fort St., Ste 2001  
Detroit, MI 48226

Ms. Sarah Resnick Cohen  
Assistant United States Attorney  
211 W. Fort St., Ste 2001  
Detroit, MI 48226

Dear Ms. Dick, Ms. Aouate, and Ms. Cohen:

Claims Facilitator's Report to the Department of Justice Regarding the Restitution Process: Progress Made to Date, Statistics, and Additional Steps Necessary to Complete the Claims Process

## I. INTRODUCTION

The Department of Justice (DOJ) entered a contract with the Claims Facilitator on March 7, 2016. The Claims Facilitator's role is to aid the DOJ in determining the identity of potential victims, as well as the amount and nature of loss suffered by each potential victim that may qualify as restitution in the case of *United States v. Fata*.

This report explains the progress made to date in the claims process and gives an outline of the likely next steps.

### A. Legal Basis for Restitution Process

The rules governing this restitution process (also called the "claims process") are set forth in a series of Court Orders.

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On April 11, 2016, this Court issued an Order Establishing Restitution Plan and Review of Claims for Restitution (April 2016 Order). That Order set forth the statutory basis for this claims process:

Pursuant to the Mandatory Victim Restitution Act of 1996 (MVRA), Pub. L. No. 104-132, § 204(a), 110 Stat. 1227 (1996) (codified as amended at 18 U.S.C. § 3663A), a United States District Court shall order that a defendant make restitution to the victim(s) of certain offenses, including offenses involving fraud or deceit. 18 U.S.C. § 3663A(c)(1)(A)(ii).

The Court ordered restitution for defined categories of loss for former patients of Farid Fata or their legal representatives. The Court also set forth the parameters of the Claims Facilitator's role. The April 2016 Order is available on the website of the U.S. Attorney's Office, E.D. of Michigan: <https://www.justice.gov/usao-edmi/file/840176/download>.

## B. Categories of Claims

There are four categories of permissible claims. The details regarding each category are explained in the claims package documents (<http://fataclaims.com/Home/Documents>). The four categories are:

1. Fata Expenses. This category includes all non-reimbursed, out-of-pocket medical expenses paid by a former patient for medical services provided by Farid Fata or at his direction from April 11, 2005 until August 6, 2013.
2. Remedial Medical Expenses. This category includes all non-reimbursed, out-of-pocket medical expenses for remedial measures that were incurred as a result of any inappropriate or unnecessary treatments ordered or provided by Farid Fata. These expenses relate to services provided by other medical providers after leaving the care of Fata, up to and including September 6, 2016.
3. Remedial Mental Health Expenses. This category includes all non-reimbursed, out-of-pocket psychological and psychiatric mental health expenses for remedial measures that were incurred as a result of any inappropriate or unnecessary treatments ordered or provided by Farid Fata. These expenses relate to services provided by mental health providers after leaving the care of Fata, up to and including September 6, 2016.
4. Funeral Expenses. This category includes partial contributions to expenses incurred by family members for the funeral expenses of former patients of Farid Fata.

## C. Claims Facilitator

### 1. Responsibilities of Claims Facilitator

The April 2016 Order provides that the Claims Facilitator shall:

[R]eview and evaluate the claims and supporting documents submitted by former patients. The facilitator shall make a recommendation as to whether a former patient

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has met the requirements to be identified as a victim and the amount due each such victim for purposes of restitution in this case.

2. Background About Claims Facilitator and Epiq Systems

The Claims Facilitator in this case is Randi Ilyse Roth, through her law firm, Complex Settlements, P.C. (“Complex”). Ms. Roth previously served as the independent court-appointed Monitor in the *Pigford v. Vilsack* case, a large civil rights race discrimination class action that involved a very complex claims process. Epiq Systems (“Epiq”) contracts with Complex to provide claims administration services in this case. Epiq has substantial experience with all aspects of administering claims processes. The Claims Facilitator and Epiq have been in close contact with DOJ as this claims process has developed.

II. PROGRESS MADE TO DATE: STEPS TAKEN FROM MARCH 2016 TO JANUARY 2017

A. DOJ Provided Draft of Claim Forms Package

The Department of Justice (DOJ) prepared the first draft of a package of claims documents (“claims package”).

B. Claims Facilitator and DOJ Worked Together to Further Develop Claim Form Documents

When the Claims Facilitator (“Facilitator”) began her work in this case in March, 2016, the first tasks involved working with DOJ to finalize the claims package. The Facilitator, Epiq, and DOJ worked together to anticipate legal and practical issues that might arise in the claims process and to refine the draft claims package as required by those issues. The team produced a draft of the claims package in May 2016.

The Facilitator recommended that the draft claims package be tested in a series of victim focus group meetings. DOJ arranged for two focus groups which were held on May 17, 2016. Each group included five former patients (and/or family members of former patients). In each focus group meeting, participants reviewed every page of and every question in the draft claims package. The participants made many comments that led to improvements in the package. The comments touched on substance, tone, and ease of use. The claims package was significantly improved due to these participants’ willingness to give of their time to help improve the process.

Once the package was re-drafted with the victim focus group input, the package was submitted to a plain-language expert at Epiq. The plain-language expert’s input resulted in further improvements to the claims package.

C. Launch of Claim Package: June 9, 2016

The claims package was finalized, and was then made available to the public on June 9, 2016. The final claims package is posted on the Claims Facilitator’s website for this case: <http://fataclaims.com/Home/Documents>. The documents include: Cover Letter, Definitions, Claim Instructions, Checklist, Claim Form, Physician and Dentist Form, and Mental Health Treatment Provider Form.

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#### D. Communications to Former Patients and their Families

The team of DOJ, Epiq, and the Claims Facilitator (“the team”) worked together diligently to use many different approaches to communicate with former patients and their families about the claims process. The goal of these communications was to provide timely and relevant information about the claims process to the greatest number of potential claimants.

##### 1. Communication Effort #1: Mailing to Known Victims

The team started the communications effort by mailing the complete claims package to more than 500 people previously identified by the DOJ in its sentencing memoranda as victims of unnecessary treatment by Farid Fata.

##### 2. Communication Effort #2: Websites

The Claims Facilitator launched a website for the case as of June 9, 2016: [www.fataclaims.com](http://www.fataclaims.com). The website includes:

- (a) Important Dates (deadlines, meeting dates, etc.)
- (b) Documents (including the full claims package and PDF-fillable versions of the form)
- (c) Frequently Asked Questions (FAQs)
- (d) Claims Process Assistance (details re: assistance efforts that will be explained below)
- (e) Medicare and Insurance Information
- (f) Contact Information (how to reach phone agents for assistance, address for mailing documents, etc.)

To ensure that patients and family members who were most familiar with the website maintained by the U.S. Attorney’s Office remained fully informed, the U.S. Attorney’s Office continued to update its *U.S. v. Fata* webpage with new developments and important announcements regarding the claims process.

##### 3. Communication Effort #3: Insurance Information

Claimants are required to provide proof of costs incurred which may require proof of a significant number of medical transactions. For many of those victims, the easiest way to find that proof was by ordering documents from their insurance companies. In the private insurance company context, the documents are called Explanation of Benefit forms (EOBs); in the Medicare program, the documents are called Medicare Summary Notices (MSNs). DOJ contacted most of the major insurance companies that had insured Fata’s patients. The insurance companies agreed to provide the EOB or MSN forms quickly and at no cost to the requestor. The Claims Facilitator website includes a “Medicare and Insurance Info” page that gives contact information and notes about how to order EOBs or MSNs from each insurance company.



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4. Communication Effort #4: Phone Agent Assistance

On June 9, 2016, the Claims Facilitator established a toll-free line that former patients and their families could call for information about the claims process. The phone number is 877-202-3282. Professional phone agents who have been trained regarding this claims process are available from 9:00 a.m. to 8:00 p.m. Eastern time on Mondays through Fridays (except holidays). As of January 5, 2017, the phone operators have assisted former patients and their families in 2,960 calls which spanned a total of 18,049 minutes. The phone agents rely on detailed scripting provided by the Claims Facilitator and on their ability to “escalate” complicated issues to trained project managers and attorneys on their staff.

Phone agents also assisted by ensuring that Claim Forms were easily accessible and available to anyone without access to a computer. The phone agents mailed a full claims package via U.S. Mail when requested by a former patient or family member of a former patient.

5. Communication Effort #5: In-Person Meetings in Detroit Area

The Claims Facilitator and DOJ hosted in-person meetings in the Detroit area on July 31, 2016 (at the New Hope Bible Church) and on August 1, 2016 (at the Rochester Hills Public Library). Each was attended by approximately forty to fifty individuals. The meetings were specifically mentioned by the phone agents in their conversations with potential claimants; they were advertised on the Claim Facilitator’s website; and they were advertised on the U.S. Attorney’s Office website. In these meetings, which each lasted more than two hours, the Claims Facilitator, DOJ lawyers, and the U.S. Attorney’s Office Victim Witness Coordinator listened closely to the victims’ concerns about the claims process and answered victims’ and family members’ questions.

6. Communication Effort #6: Mailing of More than 5,000 Flyers

Between September 30 and October 3, 2016, the U.S. Attorney’s Office and the Claims Facilitator sent an explanatory flyer to 5,334 potentially eligible victims and family members. The flyer explained that the claims deadline had been extended (see below), and explained the basic eligibility rules for the claims process, how to obtain a Claim Form, and how to obtain assistance in completing the Claim Form. A copy of the flyer is included with this report as Appendix A.

7. Communication Effort #7: Outgoing Phone Call Effort

On October 11, 2016, Epiq phone agents made outgoing phone calls to 326 potentially eligible claimants who had previously contacted Epiq, but had not yet filed a claim. In these calls, the phone agents reminded the claimant of the claim filing deadline and offered to schedule an appointment for in-person assistance.

8. Communication Effort #8: Ongoing Communications With Victim Witness Coordinator

The Victim Witness Coordinator for the United States Attorney’s Office for the Eastern District of Michigan, Sandy Palazzolo, maintained ongoing telephone and written

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communication with former patients and their family members during the period between the launch of the claims process and the ultimate deadline for the claims process (June 9 – November 14, 2016).

9. *Communication Effort #9: Extensive Public Communications Effort*

During the period between the launch of the claims process and the ultimate deadline for the claims process (June 9–November 14, 2016), the Department of Justice mounted an extensive and effective effort to encourage the press to publicize the claims process to the public. The efforts included:

- (a) U.S. Attorney Media Roundtables. Media Roundtables were held by the United States Attorney, Barbara L. McQuade, and her staff from DOJ on June 9 and on August 29, 2016. These roundtables with the press included time for the press to learn about the claims process in detail. The August 29 roundtable highlighted the availability of in-person assistance for claimants from trained volunteer Certified Public Accountants (CPAs) and Victim Advocates (VAs).
- (b) Press Releases. The United States Attorney issued press releases to encourage media to get information out to potential eligible claimants about the claims process, the deadline, and opportunities for assistance in the claims process. One such press release is on the DOJ website: <https://www.justice.gov/usao-edmi/pr/united-states-attorneys-office-assembles-team-specialists-assist-former-patientsfamily>. Another is included in this report as Appendix B.
- (c) Cumulative Impact. Additionally, DOJ reached out to the press through its media spokesperson, Gina Balaya. A simple Google search for “Fata restitution process” reveals that a significant amount of coverage resulted from these and other efforts. The coverage spanned at least three aspects of the restitution effort: the launch of the claims process on June 9, 2016; the availability of in-person assistance from the volunteer CPAs and VAs; and the extension of the deadline from October 5 to November 14, 2016. The coverage included newspaper stories, radio stories, radio public service announcements (PSAs), television stories, television PSA banners, and “tweets.”

E. Court Order Extended Claims Deadline from October 5 to November 14

The original claims deadline was October 5, 2016. As of September 15, fewer than 200 claims had been filed. On September 26, 2016, this Court issued an Order extending the deadline for approximately six weeks, to November 14, 2016 (“September 2016 Order”). The September 2016 Order said in part:

The Court has been informed by the United States that due to the complexity and nature of the claims being submitted and the necessity that former patients obtain medical and financial documentation supporting these claims, additional time is required to ensure that the maximum number of eligible claims will be submitted by former patients.

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Accordingly, and to ensure that former patients have sufficient time and ability to submit claims for restitution, the Court hereby extends the deadline for filing such claims from October 5, 2016 to November 14, 2016.

The purpose of the extension was to give sufficient time to allow potential claimants to obtain their supporting materials and file claims. In the end, 737 timely claims were filed.

F. Assistance to Individuals Interested in Filing Claims

The team of DOJ, Epiq, and the Claims Facilitator took many additional steps to provide assistance to individuals who wished to file claims.

First, based on input from victims at the July 31 and August 1 meetings (see above), the team provided victims and their families with additional information about how to obtain the proof that is necessary to support a claim and made adjustments as to how claimants could transmit the information submitted as proof. The Facilitator published two information sheets regarding the changes: “How to Prove What Victim Paid or Owed” and “Listing Multiple Expenses.” (See <http://fataclaims.com/Home/Documents>.)

Second, the team made arrangements for trained, skilled volunteers to provide significant in-person assistance in the claims process. The team reached out to Mark Davidoff, Michigan managing partner at Deloitte, LLP, the Accounting Aid Society, and the Michigan Association of CPAs and asked them to invite area CPAs to volunteer to provide one-on-one, in-person assistance to individuals who were attempting to file claims. The team also reached out to Director James McCurtis and Program Specialist Leslie O’Reilly of the Crime Services Commission for the State of Michigan and asked them to invite trained Victim Advocates (VAs) to work with CPAs to assist in this effort. In addition to inviting VAs from around the state to assist, the Crime Services Commission secured a location for the assistance: Common Ground in Pontiac, Michigan.

On August 31, 2016, the U.S. Attorney’s Office and the Claims Facilitator (via videoconference) provided a four-hour training session to approximately 70 volunteer CPAs and VAs. In preparation for this training session, the CPAs and VAs reviewed key documents regarding the case and the claims process.

Once they were trained, these CPAs and VAs provided to DOJ and Epiq the dates and times they could be available to assist claimants. Epiq took calls from claimants who wished to have in-person assistance and matched the claimants with available CPAs and VAs. The volunteers filled out detailed “intake forms” regarding each claimant’s situation. The volunteers generally assisted the claimant until the Claim Form was complete. The in-person assistance meetings were held at Common Ground in Pontiac, Michigan and then later at the State of Michigan Department of Health and Human Services Office in Pontiac, Michigan. Overall, CPAs and VAs provided in-person assistance to more than 230 claimants, spanning a total of more than 339 hours of assistance.

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### G. Progress Made Since the November 14 Deadline

To be timely, claims had to be postmarked by November 14, 2016. Statistics about the number of timely filed claims and the number of late claims appear in Table # 1, below.

Since November 14, the team has made much progress in the next phase of the claims process, which concerns curing errors in Claim Forms.

#### 1. Curing Errors in Claim Forms

Claims that were filed on time are now being processed. In some of those claims, the Claims Facilitator has determined or will determine that there are errors in the Claim Form: sometimes important information is missing, or the Claim Form contains pieces of information that contradict each other. In those cases, the Claims Facilitator sends the claimant a letter explaining the errors or defects in the Claim Form. The claimant has 45 days from the date of that letter to submit the missing or corrected information. These letters will be sent on a rolling basis. The first batch of 38 letters was mailed on December 20, 2016. The second batch of approximately 563 letters is scheduled to be mailed on February 3, 2017. A redacted sample letter is included with this report as Appendix C.

#### 2. Assistance With Curing Errors

Several of the CPAs and VAs who assisted claimants with filing Claim Forms have agreed to extend their volunteer service for a few more months so they can assist claimants who are in the process of curing errors in their Claim Forms. Additionally, the phone agents are trained and ready to assist claimants by helping the claimants to understand exactly what they need to do to cure defects in their Claim Forms.

### III. STATISTICS

This section of the report provides some basic statistics about the claims process to date.

All statistics listed here are as of January 5, 2017.

The statistics distinguish between claims that request restitution for funerals only and all other claims because the former claims are far less complex than the latter claims. Data regarding phone activity is provided because it gives a sense of the extent to which assistance is being provided in the claims process. The most frequent topics of conversation on the phone calls include:

- General questions about how to fill out the Claim Form
- Scheduling an appointment for assistance with filling out the Claim Form
- Verifying receipt of Claim Form
- Asking whether it is permissible to file a Claim Form after the deadline
- Asking questions about the letter requesting that errors in the Claim Form be corrected

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<b>Table #1: General Statistics as of January 5, 2017</b>		
1.	Timely Claims	
1(a).	Overall number of timely claims received	737
1(b).	Number of claims requesting restitution for funeral only	117
2.	Late Claims	
2(a).	Overall number of late claims	26
2(a)(1).	Number received 1-14 days late	14
2(a)(2).	Number received 14-28 days late	11
2(a)(3).	Number received 28-42 days late	1
2(b).	Number of late claims requesting restitution for funeral only	1
3.	Phone Activity	
3(a).	Total number of calls (June 9 - January 5, 2017)	2,960
3(b).	Average number of calls per month	423
3(c).	Average number of minutes/month	2,578
3(d).	Average number of minutes/call	6
3(e)(1).	Number of calls in June	134
3(e)(2).	Number of calls in July	178
3(e)(3).	Number of calls in August	175
3(e)(4).	Number of calls in September	634
3(e)(5).	Number of calls in October	1,354
3(e)(6).	Number of calls in November	415
3(e)(7).	Number of calls in December	61
4.	In-Person Assistance Sessions with CPA or VA	
4(a).	Number of in-person assistance sessions scheduled by Epiq with CPA or VA (additional follow-up sessions were scheduled without assistance by Epiq)	222
4(b).	Number of CPAs who provided at least one session	17
4(c).	Number of VAs who provided at least one session	35

#### IV. ADDITIONAL STEPS NECESSARY TO COMPLETE THE CLAIMS PROCESS

The following steps are necessary to complete the claims process:

- A. Cure Errors in Claim Sheets. The process described above to cure errors in Claim Forms needs to be completed. Letters need to be sent out to all claimants whose Claim Forms

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contained errors, and claimants need to return the corrected Claim Forms within the 45-day period specified in the letter.

- B. Late Claims. Once the team obtains guidance from the Court regarding how to handle late claims (claims postmarked after November 14, 2016), the team will comply with that guidance.
- C. Process All Claims, Including Corrected Claims. The Claims Facilitator will process all claims, including the corrected claims, to determine the Claims Facilitator's recommendation in response to each claim.
- D. Issue Provisional Decisions. The Claims Facilitator will send a letter to each claimant explaining the provisional decision in response to the claim. The letter will explain that the claimant may request reconsideration of the Claims Facilitator's recommendation. This reconsideration process will require a relatively short response time and will involve a limited scope of review.

Provisional decision letters are scheduled to be issued in approximately late Spring of 2017.

- E. Reconsideration Process. The Claims Facilitator will review any requests for reconsideration received in response to provisional decisions.
- F. Submit Final Recommendations. The Claims Facilitator will submit to DOJ her final recommendations regarding each claim in summer 2017. Additionally, she will send a letter to each claimant informing the claimant of the Claims Facilitator's final recommendation to DOJ regarding the claim. The DOJ will provide the Court with its recommendations as to the identity of each victim, as well as the nature and amount of loss for each victim. The DOJ will propose to the Court an approach to priority of payment at that time. DOJ will request that the Court establish a process for finalizing the order of restitution. DOJ's request will be filed on the public record and will be provided to all interested parties.

Respectfully submitted,

s/Randi Ilyse Roth

Randi Ilyse Roth  
Claims Facilitator  
Complex Settlements, P.C.

**Appendices:**

Appendix A: Flyer Mailed to More Than 5,000 Potentially Eligible Claimants

Appendix B: Press Release from United States Attorney

Appendix C: Redacted Sample Letter Notifying Claimant of Errors in Claim Form

**Appendix A**

**Flyer Mailed to More Than 5,000 Potentially Eligible Claimants**

*United States v. Farid Fata*

## **Claim-Filing Deadline Extended to November 14, 2016**

On September 26, 2016, Judge Paul D. Borman extended the deadline for filing a restitution claim in the federal criminal case of *United States v. Farid Fata*. The new deadline is November 14, 2016. As a result of this order, ***all claim forms must be postmarked on or before Monday, November 14, 2016.***

### **The Government Encourages Eligible Victims and Their Heirs to File Claims**

The government seized Fata's assets to create a restitution fund for the benefit of Fata's victims and their heirs. Many people have already filed claims. We encourage all qualified patients and authorized representatives of patients to file their claims for restitution before the November 14, 2016 deadline.

### **Who Is Eligible for Restitution?**

**Any person who was a patient of Fata between 2005 and 2013 and who incurred out-of-pocket expenses (such as co-pays and deductibles)** is eligible to file a claim for restitution funds. In addition, authorized representatives of deceased patients may file claims to be reimbursed for the deceased patient's out-of-pocket expenses, as well as for a portion of funeral expenses. Those patients who were harmed physically and/or emotionally by Fata may also request restitution for the out-of-pocket expenses they incurred to remediate the harm. Please read the claim form for more details about the eligibility rules (see "How to get a claim form" below).

### **How to Get a Claim Form**

If you have **not** already requested or received a claim form, you can download and print the claim form from **[www.fataclaims.com](http://www.fataclaims.com)** or you can call 1-877-202-3282 to ask that the form be mailed to you.

### **How to Get Help Completing a Claim Form**

We currently have volunteers offering in-person claim filing assistance. Some people have found this assistance very helpful. You can call our phone agents at 1-877-202-3282 to find out whether volunteer help is still available, and, if it is, to schedule an appointment for assistance.

**[www.fataclaims.com](http://www.fataclaims.com)  
1-877-202-3282**



**Appendix B**

**Press Release from United States Attorney**



**United States Attorney's Office  
Eastern District of Michigan**

**Barbara L. McQuade  
United States Attorney**

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**PRESS RELEASE**

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**FOR IMMEDIATE RELEASE  
November 7, 2016**

**Contact: Gina Balaya - (313) 226-9758  
[www.justice.gov/usao/mie/index.html](http://www.justice.gov/usao/mie/index.html)**

**Last Week to File Restitution Claims  
in the case of U.S. v. Farid Fata**

The deadline to file claims for restitution in the case of United States v. Farid Fata is in one week. United States District Judge Paul D. Borman extended the deadline for filing a restitution claim to November 14, 2016. As a result, all claim forms must be postmarked on or before Monday, November 14, 2016.

**The Government Encourages Eligible Victims and Their Heirs to File Claims**

Fata was sentenced to 45 years in federal prison for providing medically unnecessary chemotherapy treatments to patients. The government has seized approximately \$11.9 million. The government seized Fata's assets to create a restitution fund for the benefit of Fata's victims and their heirs. Many people have already filed claims. We encourage all qualified patients and authorized representatives of patients to postmark their claims for restitution on or before the November 14, 2016 deadline.

**Who Is Eligible for Restitution?**

Any person who was a patient of Fata between 2005 and 2013 and who incurred out-of-pocket expenses (such as co-pays and deductibles) is eligible to file a claim for restitution funds. In addition, authorized representatives of deceased patients may file claims to be reimbursed for the deceased patient's out-of-pocket expenses, as well as for a portion of funeral expenses. Those patients who were harmed physically and/or emotionally by Fata may also request restitution for the out-of-pocket expenses they incurred to remediate the harm. Please read the claim form for more details about the eligibility rules (see "How to get a claim form" below).

## **How to Get a Claim Form**

If you have not already requested or received a claim form, you can download and print the claim form from [www.fataclaims.com](http://www.fataclaims.com)

Visitors to the website will find two information sheets to help claimants understand how to complete the Claim Forms as efficiently as possible and to make the filing process easier. Those can be accessed through the website [www.fataclaims.com](http://www.fataclaims.com) on the homepage. The two documents are:

- How to Prove What Victim Paid or Owed
- Listing Multiple Expenses

## **Questions about the Claim Form**

Please call 1-877-202-3282 or visit [www.fataclaims.com](http://www.fataclaims.com) for answers to questions about the Restitution Claim Form.

United States Attorney McQuade stated, "We recognize that the process of filling out a restitution claim form can be a difficult process both emotionally and physically for victims and their families. While no amount of money can restore what has been taken away by the actions of Fata, we hope that all eligible patients and family members file claims for restitution so that we can return Fata's assets to his patients."

**Appendix C**

**Redacted Sample Letter Notifying Claimant of Errors in Claim Form**

Fata Claims Facilitator  
P.O. Box 2730  
Portland, OR 97208-2730

**Randi Ilyse Roth**  
Claims Facilitator  
Complex Settlements, PC

**Return Postmarked on or before  
February 03, 2017**

*United States vs. Fata*  
Case No. 13-CR-20600



\*887800024762\*

[Redacted]

Tracking Number: 5816

December 20, 2016

Dear [Redacted],

Thank you for submitting your claim. We have conducted a preliminary review of your claim but need some additional information from you that will help us in understanding and evaluating your claim. Please refer to the enclosed copy of your Claim Form and provide the additional information requested below, postmarked on or before February 03, 2017.

**Section 1: Background**

***Section 1(b): Contact Information for Patient's Authorized Representative or Representative of Patient's Estate***

- You have indicated that you are filing on behalf of a deceased patient, but in Section 1(b) you did not provide the estate's Taxpayer Identification Number. This information is not required at this time; however, it may be required if your claim is approved.

**Section 3: Compensation From Other Sources**

***Section 3(a): Lawsuits***

- In Section 3(a), we requested information as to whether the patient applied for Crime Victim Compensation from the Michigan Department of Community Health. However, you did not provide a response. Please provide a response.
- In Section 3(a), we asked if the patient or the patient's representative applied for and/or received compensation from any other source not already identified on the Claim Form. However, you did not provide a response. Please provide a response.

**Section 5: Swearing That Contents of the Claim Form Are True**

- In Section 5, we require that you sign the Claim Form; however, you did not sign. Please sign the Claim Form.

For us to fully understand and evaluate your claim for restitution, you must provide the additional



information requested below postmarked on or before February 03, 2017. If we do not receive the information from you, we may be required to deny the portions of your claim that relate to that information.

We understand that some of the information we are requesting in this letter may be complex or difficult to obtain. Our phone agents can explain any aspects of this letter that may be confusing to you. Do not hesitate to call us toll-free at 1-877-202-3282 to see how we can help or check the website at [www.fataclaims.com](http://www.fataclaims.com). Please be advised that the Victim Witness Coordinator for the Eastern District of Michigan, Sandy Palazzolo, will not be able to answer questions about this letter or provide further assistance in the claims process.

Sincerely,

A handwritten signature in black ink, appearing to read "Randi Ilyse Roth". The signature is fluid and cursive, with the first name "Randi" being the most prominent.

Randi Ilyse Roth  
Attorney at Law  
Claims Facilitator