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8

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10 *FedEx Corporate Services, Inc.*

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11 UNITED STATES DISTRICT COURT

12

FOR THE NORTHERN DISTRICT OF CALIFORNIA

13

14 SAN FRANCISCO DIVISION

15

UNITED STATES OF AMERICA,

16

1. Plaintiff,
2. v.
3. FEDEX CORPORATION, FEDERAL

) **No. CR 14-380 (CRB)**

)

) **DECLARATION OF CRISTINA C.**

) **ARGUEDAS IN SUPPORT OF THE**

) **FEDEX DEFENDANTS’ MOTION FOR**

) **RULE 17(c) SUBPOENAS**

)

)

1. EXPRESS CORPORATION, and FEDEX )

CORPORATE SERVICES, INC., )

21 )

22 Defendants. )

 )

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28

*U.S. v. FedEx Corp. et al.* Arguedas Decl.

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1. I, Cristina C. Arguedas, declare as follows:
2. 1. I am a partner at Arguedas, Cassman & Headley, LLP, counsel of record

3

for defendants FedEx Corporation, Federal Express Corporation and FedEx Corporate

4

1. Services, Inc. (collectively, “FedEx”) in the above-titled matter. I make this declaration
2. in support of the defendants’ motion for the issuance of Rule 17(c) subpoenas directed
3. to various federal and state law enforcement agencies.
4. 2. During the course of preparation for trial, including my review of discovery

9

produced by the prosecution to FedEx, FedEx’s own records, and other information

10

1. developed during FedEx’s investigation of the case, I have learned the below-described
2. facts about interactions between FedEx employees and law enforcement personnel.
3. United States Food and Drug Administration
4. 3. Attached hereto as Exhibit A is a true and correct copy of a letter,

15

produced by FedEx to the U.S. Attorney’s Office pursuant to a grand jury subpoena,

16

1. that was sent by FedEx in December 2003 to the Chairmen of the United States House
2. of Representatives Subcommittee on Oversight and Investigations. The letter recounts
3. that FedEx personnel met on May 13, 2002 with representatives of various federal

20

agencies to discuss the issue of online pharmacies. The letter further states that Food

21

1. and Drug Administration (“FDA”) personnel Nancy Kennedy and Jim Dahl attended the
2. meeting. (I have redacted Exhibit A to remove the author’s contact information.)
3. 4. Various records produced by FedEx to the U.S. Attorney’s Office pursuant
4. to a grand jury subpoena suggest that in 2004 personnel from FedEx and the FDA had

26

correspondence and meetings concerning online pharmacies.

27

28 a. I understand that in April 2004, FDA personnel John Taylor and

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1. Victoria Kao met and corresponded with FedEx personnel Robert Bryden and Matt
2. Vega to discuss the issue.

3

b. I understand that FedEx personnel Robert Bryden, Matt Vega, Mark

4

1. Hogan and/or Bill Henrikson corresponded and may have met in 2004 with FDA
2. employee Carolyn Becker to discuss the issue.
3. 5. Attached hereto as Exhibit B is a true and correct copy of a “participant
4. list” for the June 23, 2005 Parcel Carrier Meeting, which was attended by FedEx

9

employees and representatives from various law enforcement agencies, among others.

10

1. The list was produced by FedEx to the U.S. Attorney’s Office pursuant to a grand jury
2. subpoena. (I have redacted Exhibit B to remove the participants’ phone numbers and
3. email addresses.) Additional discovery in this matter suggests that the participants at
4. the Parcel Carrier Meeting discussed the issue of online pharmacies. The participant

15

list indicates that Carolyn Becker, Bill McConagha, Tom McGinnis, Steve Niedelman,

16

1. Greg Nieto, Linda Silvers, and Don Vasbinder from the FDA attended the June 23, 2005
2. Parcel Carrier Meeting along with FedEx personnel and representatives from other law
3. enforcement agencies.

20

6. I have reviewed an FDA Memorandum of Interview that recounts

21

1. statements made by FedEx Senior Security Specialist R. Scott Metts during an
2. interview with government attorneys. Mr. Metts stated during the interview that he
3. worked with FDA employee Jay Scheurer on an investigation conducted by the agency
4. into the activities of an online pharmacy.

26

Federal Bureau of Investigation

27

28 7. Exhibit B hereto, referenced above, indicates that Charles Gunther from

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1. the Federal Bureau of Investigation (“FBI”) attended the June 23, 2005 Parcel Carrier
2. Meeting along with FedEx personnel and representatives from other law enforcement

3

agencies.

4

1. 8. Records produced by FedEx to the U.S. Attorney’s Office pursuant to a
2. grand jury subpoena suggest that in 2009 FedEx participated in the FBI’s efforts to
3. investigate Creative Pharmacy Services (doing business as Superior Drugs) an entity
4. with whom the superseding indictment alleges FedEx conspired. According to the

9

records, FedEx Senior Security Specialist R. Scott Metts and other FedEx personnel

10

1. communicated with FBI personnel about this effort.
2. 9. A DEA-6 report produced in discovery by the U.S. Attorney’s Office details
3. a March 2009 meeting between FBI special agents and Mr. Metts. At the meeting, FBI
4. agents served a subpoena issued by the U.S. District Court for the Southern District of

15

New York and seized records relating to Creative Pharmacy and Superior Drugs. The

16

1. report also reveals that Mr. Metts “made available” a FedEx package that had been
2. shipped by Anthony Spence, a person with whom the superseding indictment alleges
3. FedEx conspired; FBI agents seized the package.

20

10. Records produced by FedEx to the U.S. Attorney’s Office pursuant to a

21

1. grand jury subpoena suggest that in 2009 and 2010 FedEx personnel communicated
2. with FBI personnel, including Suzanna Beckerman, about a law enforcement
3. investigation into Roots Pharmacy, Roots Inc., Roots Pharmacy Solutions, Roots
4. Pharmaceutical, US Marketing Solutions and associated online pharmacy shippers.

26

Exhibit C hereto is a true and correct copy of a February 11, 2010 email chain in which

27

28 FedEx personnel discussed the company’s cooperation with the law enforcement

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1. investigation; a FedEx Security Specialist wrote that the “FBI has asked FedEx to
2. deliver[ ] drugs [and] not to let [the] shipper know it is under investigation.” (I have

3

redacted Exhibit C to remove the correspondents’ phone numbers and email

4

1. addresses.) Other records show that FedEx responded to search warrants and held
2. and tracked shipments for the FBI.
3. United States Customs and Border Protection
4. 11. Exhibit A hereto, referenced above, states that personnel from United

9

States Customs and Border Protection (“CBP”) attended the May 13, 2002 meeting with

10

1. FedEx and other law enforcement agencies. The CBP attendees listed in the letter are
2. Monty Price and Linda Phillips.
3. 12. The letter attached as Exhibit A also recounts that in “July, 2003, CBP
4. alerted FedEx that a company based in Monterey, Mexico, was shipping prescription

15

medication overnight without proof of a prescription and without declaring the

16

1. commodity. These products were being sold over the Internet at [www.rxmex.com.](http://www.rxmex.com/) In
2. response, FedEx took immediate action and closed the account.”
3. 13. I understand that in or around June and July 2004, FedEx Security

20

employee Mark Hogan communicated about online pharmacies with Pat McCumber,

21

1. CBP Port Director for Memphis, Tennessee.
2. 14. I understand that in or around June and July 2004, FedEx employees
3. communicated with CBP Chief Inspector Chris Sullivan and/or his subordinates
4. concerning online pharmacies and an upcoming visit to FedEx’s Memphis hub by

26

Congressional staffers. Mr. Sullivan or his colleagues or subordinates may also have

27

28 attended a meeting in this time frame with Congressional staffers and FedEx personnel.

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1. 15. Exhibit B hereto, referenced above, indicates that Steve Schorr of CBP
2. attended the June 23, 2005 Parcel Carrier Meeting along with representatives from

3

FedEx and other law enforcement agencies.

4

1. 16. Records and discovery in this matter suggest that in or around December
2. 2005 and January 2006, FedEx personnel communicated with Mike Jackson and/or
3. Steve Schorr from CBP concerning a “Customs blitz” of inspections of pharmaceutical
4. packages.

9

United States Postal Inspection Service

10

1. 17. Exhibit A hereto, referenced above, suggests that personnel from the
2. United States Postal Inspection Service (“USPIS”) attended the May 13, 2002 meeting
3. with FedEx and other law enforcement agencies. Exhibit A states that USPIS employee
4. Paul Trimbar attended the meeting.

15

18. I understand that in 2004 and 2005, FedEx personnel may have

16

1. communicated with USPIS personnel, possibly including Zane Hill, concerning online
2. pharmacies and ongoing Congressional investigations into the issue.
3. 19. Exhibit B hereto, referenced above, indicates that Elvin Crespo, Robert

20

Kay, Tony Alverno, Cathy Green, and Neva Watson from the USPIS attended the June

21

1. 23, 2005 Parcel Carrier Meeting along with FedEx personnel and representatives from
2. other law enforcement agencies.
3. 20. I have reviewed an FDA Memorandum of Interview that recounts
4. statements made by FedEx Security employee Katina Burchfield during an interview

26

with government attorneys. Ms. Burchfield stated during the interview that she had

27

28 communicated with USPIS employee Wendy Bolles (or Bowles), who may have been

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1. stationed in Knoxville, TN, concerning online pharmacy shipments coming into
2. Tennessee through FedEx and the U.S. Postal Service.

3

1. FedEx produced a July 17, 2008 email and its attachment to the U.S.

4

1. Attorney’s Office pursuant to a grand jury subpoena. The attachment indicates that
2. FedEx personnel met with USPIS employee Zane Hill in or around July 2008, and that
3. internet pharmacies may have been a topic of conversation.
4. Florida Department of Law Enforcement

9

1. Attached hereto as Exhibit D are true and correct copies of two email

10

1. chains produced by FedEx to the U.S. Attorney’s Office pursuant to a grand jury
2. subpoena. The emails are from October 2004, and indicate that FedEx personnel,
3. including employee Jose Perez, corresponded and attended a “briefing” with Florida
4. Department of Law Enforcement (“FDLE”) personnel to help law enforcement

15

“coordinate” an investigation of an online pharmacy. (I have redacted Exhibit D to

16

1. remove the correspondents’ phone numbers and email addresses.)
2. 23. The records produced by the U.S. Attorney’s Office to FedEx as discovery
3. in this matter include several reports, dated November 2006 through October 2010, that

20

detail investigations conducted by FLDE Special Agents Gary Venema and Kimmy

21

1. Poon, among others, of businesses in the online pharmacy industry. The entities
2. subject to investigation included Superior Drugs, Creative Pharmacy and Wayne White,
3. each of which are entities with whom the superseding indictment alleges FedEx
4. conspired. The reports demonstrate that FedEx personnel, including Jose Perez

26

(sometimes called Lopez in the reports), Randy Martin, Ted Bergevin, Derrick Johnson

27

28 and Sam Cory, aided the FDLE’s investigations — including by affirmatively contacting

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1. agents concerning “suspicious packages” shipped by Creative Pharmacy/Superior
2. Drugs.

3

1. Records produced by FedEx to the U.S. Attorney’s Office pursuant to a

4

1. grand jury subpoena suggest that in or around March and April 2009, FedEx Senior
2. Security Specialist R. Scott Metts assisted with an FDLE investigation of Superior
3. Drugs/Creative Pharmacy and Anthony Spence.
4. Kentucky Office of the Attorney General

9

1. Records produced by FedEx to the U.S. Attorney’s Office pursuant to a

10

1. grand jury subpoena indicate that during the time period of the indictment, FedEx
2. employees were in frequent contact with representatives of the Kentucky Office of the
3. Attorney General (“KOAG”) concerning shipments by online pharmacies into the state of
4. Kentucky. I understand that the Kentucky Department of Criminal Investigations and its

15

predecessor, the Kentucky Bureau of Investigations (“KBI”), are sub-parts of the

16

1. Kentucky Office of the Attorney General.
2. 26. According to the records produced by FedEx, FedEx personnel met and
3. communicated with KBI employees Lynne Thompson, Jennifer Shearer, Jennifer Wilson

20

and Michael Fortney about online pharmacies in general; Kentucky’s KASPER

21

1. (Kentucky All Schedule Prescription Electronic Reporting) law and/or violations or
2. potential violations thereof; particular online pharmacies; law enforcement seizures of
3. pharmaceutical shipments from FedEx; and law enforcement requests that FedEx hold
4. shipments of pharmaceuticals for seizure.

26

27. Records produced by FedEx to the U.S. Attorney’s Office pursuant to a

27

28 grand jury subpoena and records produced to FedEx by the U.S. Attorney’s Office each

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1. indicate that in 2005 and 2006, FedEx personnel corresponded and met with KBI agent
2. Jennifer Shearer and Kentucky State Police agent Jon Marshall concerning online

3

pharmacy shipments. The records indicate that Ms. Shearer and Mr. Marshall joined

4

1. FedEx personnel in at least one meeting on the subject with West Virginia law
2. enforcement and regulatory personnel.
3. 28. Records produced by FedEx to the U.S. Attorney’s Office pursuant to a
4. grand jury subpoena reveal communications between FedEx employees Jemella

9

Deaimo and Kirk Morgan, KBI agent Lynne Thompson, and U.S. Department of Justice

10

1. employee Lillian Olmo concerning an apparent online pharmacy shipment.
2. 29. Records produced by FedEx to the U.S. Attorney’s Office pursuant to a
3. grand jury subpoena indicate that KOAG and KBI personnel worked with DEA
4. personnel to investigate a Florida-based pharmacy called AVEE. The KOAG and KBI

15

personnel interacted with FedEx employees, including by serving a search warrant and

16

1. seizing evidence from FedEx facilities in Kentucky.
2. 30. Records produced by FedEx to the U.S. Attorney’s Office pursuant to a
3. grand jury subpoena indicate that FedEx employee Jamella Deraimo received an award

20

from the KOAG, and that Kentucky Attorney General Greg Stumbo and KBI

21

1. Commissioner David James extended their thanks to the FedEx Security department for
2. its assistance to law enforcement’s efforts to control improper pharmaceutical
3. shipments.
4. Kentucky State Police

26

31. Records produced by FedEx to the U.S. Attorney’s Office pursuant to a

27

28 grand jury subpoena indicate that FedEx Security personnel Robert Bilek and Eric Borer

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1. met in or around February 2005 with personnel of the U.S. Drug Enforcement
2. Administration and Kentucky State Police (“KSP”) concerning those agencies’ requests

3

to FedEx for information about shipments by suspected online pharmacies into the state

4

1. of Kentucky.
2. 32. Records produced by FedEx to the U.S. Attorney’s Office pursuant to a
3. grand jury subpoena indicate that FedEx personnel communicated with KSP personnel
4. about pharmaceutical shipments into Eastern Kentucky.

9

33. As discussed above, records produced by FedEx to the U.S. Attorney’s

10

1. Office pursuant to a grand jury subpoena and records produced to FedEx by the U.S.
2. Attorney’s Office each indicate that in 2005 and 2006, FedEx personnel corresponded
3. and met with KBI agent Jennifer Shearer and KSP detective Jon Marshall concerning
4. online pharmacy shipments. The records indicate that FedEx personnel, Ms. Shearer

15

and Mr. Marshall attended at least one meeting on the subject with West Virginia law

16

1. enforcement and regulatory personnel.
2. 34. Records produced by FedEx to the U.S. Attorney’s Office pursuant to a
3. grand jury subpoena indicate that FedEx Security employee Kirk Morgan worked

20

regularly with the KSP Narcotics division. I understand that Mr. Morgan communicated

21

1. with KSP personnel about online pharmacy shipments in and around 2005 and 2006.
2. 35. Records produced by FedEx to the U.S. Attorney’s Office pursuant to a
3. grand jury subpoena indicate that FedEx personnel worked closely with KSP personnel
4. concerning apparent online pharmacy shipments passing through FedEx’s Lexington,

26

Kentucky station. The records indicate among other things that KSP personnel visited

27

28 FedEx’s Lexington, Kentucky station, gathered information, and “conducted a joint

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1. awareness session with [FedEx] couriers to discuss on-road safety” issues arising from
2. pharmaceutical shipments.

3

West Virginia State Police, West Virginia Board of Pharmacy

4

1. 36. As discussed above, FedEx records indicate that FedEx met and
2. corresponded with Kentucky and West Virginia law enforcement agencies concerning
3. online pharmacy shipments. A DEA-6 report produced in discovery by the U.S.
4. Attorney’s Office to FedEx states that “[d]uring the month of September 2006, the West

9

Virginia State Police with the assistance of the West Virginia Pharmacy Board initiated a

10

1. program designed to stop the flow of controlled substances into West Virginia that were
2. being obtained through the internet without any medical justification. Working with the
3. assistance of common carriers (Fed Ex, UPS, DHL, etc.), deliveries of controlled
4. substances from pharmacies not properly licensed in West Virginia were confiscated

15

. . . . [Certain] confiscations were reported by DEA Charleston Resident Office DI

16

1. Dominic Grant ”
2. 37. I understand on information and belief that West Virginia’s pharmacy
3. board is properly called the “West Virginia Board of Pharmacy.”

20

Tennessee Bureau of Investigation

21

1. 38. I have reviewed an FDA Memoranda of Interview that recounts statements
2. made by FedEx Security employees Katina Burchfield and Theodore Hughes during
3. interviews with government attorneys. Ms. Burchfield and Mr. Hughes stated that
4. FedEx employees Ms. Burchfield, Mr. Hughes and Darrell Roark had communications

26

with Tennessee Bureau of Investigations personnel concerning online pharmacy

27

28 shipments coming into the state of Tennessee. Ms. Burchfield and Mr. Hughes stated

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1. that they and Darrell Roark had shared with the TBI information about apparent online
2. pharmacy shippers.

3

Sullivan County (Tennessee) Sheriff’s Office, Bristol (Virginia) Police Department,

1. Bristol (Tennessee) Police Department, interactions between FedEx and law
2. enforcement personnel that related to the issue of online pharmacies
3. 39. I have reviewed a DEA-6 Report that recounts statements made by FedEx
4. Security employee Darrell Roark during an interview with government attorneys. Mr.
5. Roark, who had responsibility for FedEx facilities in Tennessee and Virginia, stated that

9

he spoke with law enforcement personnel about “problem packages” being shipped by

10

1. apparent online pharmacies through FedEx. Mr. Roark identified the law enforcement
2. agencies as the “Sullivan Police Department,” the “Bristol Tennessee Narcotics Unit,”
3. and the “Bristol Virginia Narcotics Unit.” Based on information and belief, I believe Mr.
4. Roark may have been referring personnel or units of the Sullivan County (Tennessee)

15

Sheriff’s Office, Bristol (Virginia) Police Department, and Bristol (Tennessee) Police

16

1. Department.
2. 40. Based on my review of evidence and other defense preparation, I also
3. understand that FedEx employees Lester Harrell and Charles Dumke communicated

20

with personnel from the Sullivan County (Tennessee) Sheriff’s Office about

21

1. pharmaceuticals being shipped by apparent online pharmacies through FedEx.
2. FedEx’s Tri-Cities facility near Johnson City, TN hired off-duty Sullivan County
3. (Tennessee) Sheriff’s Office deputies to be stationed in the facility when recipients
4. picked up such packages; FedEx personnel communicated with Bruce Bullis from the

26

Sheriff’s Office about this program.

27

28 41. Evidence produced by FedEx to the U.S. Attorney’s Office pursuant to a

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1. grand jury subpoena indicates that in September 2007, Mr. Roark corresponded with
2. Detective SC Hagy of the Tazewell County (Virginia) Sheriff’s Office concerning online

3

prescription pharmaceutical sales.

4

5 \* \* \*

1. 42. As discussed in my declaration filed in this matter on February 6, 2015
2. (Docket #77), the prosecution has taken the position that it does not have custody or
3. control over any records that exist outside of the U.S. Attorney’s Office for the Northern

9

District of California and the San Francisco branch offices of the DEA and FDA. So far

10

1. as I am aware, the government has not changed its position since the time of my
2. previous declaration.
3. I declare under penalty of perjury under the laws of the United States of America
4. that the foregoing is true and correct to the best of my knowledge. Signed this 25th day

15

of March, 2015 in Berkeley, California.

16

17

18 /s/

19 Cristina C. Arguedas

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# Exhibit A

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' **011vid w. SpellC8**

*Manag;ng Oinwr*

. *,Jguialllr/ Affllit9*

legal

·\_-------·-- **---- FecEx -**

.....

E:xpress December 29, 2003

The Honorable W.J. "Billy" Tauzin, Chairman The Honorable James Greenwood, Chairman Subcommittee. Oversight & Investigations

on

U.S. House of Representatives Committee on Energy and Commerce· Washington, D.C. 20515-6115

Dear Sirs:

I am writing in response to your letter to Frederick W. Smith dated December 9, 2003.

As you suggest, Fed.Ex would welcome the opportunity to discuss these issues in person with Committee Staff, We will contact Alan Slobodin to schedule a time for such a meeting. In · the in terim , please accept the following initial response to your questions:

1. · On May 13, 2002, several Fed.Ex company representatives met with the Drug Enforc ement Administration (DEA), Footl ,1.m.l Drug Adminislraliun (FDA) Office of Criminal Investigat ions, U.S. Customs, and U.S. Postal Inspection Service to offer our assistance on this issue.

Agency representatives included: Wayne Michaels (DEA International Drug Unii), Nancy Kennedy (FDA Office of Crim.in.al Investigations), Jim Dahl {FDA Office of Criminal Investigations) , Michael Moy (DEA - Drug Operations Section), Monty Price (US Customs), Linda Phillips (US Customs Service - Cyber Smuggling Center), Jim Portner (DEA Drug Operations), Howard Davis (DEA Drug Operations Section), Sean Mahoney (DEA, Inter.na tional Drug Unit), and Paul Trimbar (U.S. Postal Inspection Service).

In July, 2003, U.S. Customs ale1ted FedEx that a company based in Monterey, Mexico, was shipping prescription medication overnight without proof of a prescription and without declaring the commodity. These products w re being sold over· the Internet at www.rx­ mex.com. In response, FedEx took immediate action and closed the account. No further incidents have been reported.

1. FedEx policy and operating procedures require compliance with all applicable laws and regulations. FedEx has and **will respond** to specific intelligence from **law** enforcement· authorities as demonstrated above.
2. FedEx has not authorized the use of our logo on any Internet pharmacy website. FedEx aggre d vely pursues the unauthorized use of our logo on the Internet , or e lsewhe re, and

**FDX111212 1062**

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The Honorable W.J. "Bi,. Tauzin, Chairman

The Hi'morable James Greenwood, Chairman December 19, 2003

Page 2 of 2

these Internet pharmacy websites are 110 exception. Given the nature of the Internet, however, it is extremely difficult (if not impossible) to establish a connection between a given website and

.. ail existing FedEx.customer accollllf . .

That said, FedEx has not taken across-the-board action to preverit all shipments by compallies with known fotemet pharmacy websites, 11or have we been requested to do so by law enforcement authorities. FedEx has no way of knowing whether such unilateral action could potentially interfere with an ongoing government investigation. Furthermore, the necessary criteria have not been established by the government to narrowly tailor such action to avoid any negative impact on legitimate shipments. FedEx has a longstanding reputation for close cooperation with law enforcement authorities and we will continue to fully cooperate in this matter.

In short, FedEx is committed to working with U.S. govennnent agencies to continue to deal with any unlawful shipments from Internet pharmacies. We look forward to discussing these issues further in the near future.

Sincerely,

##  ,/[

David W. Spence Managing Director

Regulatory & Industry Affairs

cc: Frederick W. Smith

The Honorable John **D.** Dingell, Ranking Member The Honorable Peter Deutsch, Ranking Member Subcommittee **on** Oversight and Investigations

#503873

**FDX111212 1063**

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# Exhibit B

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# Exhibit C

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**Microsoft Outlook**

**From: Sent: To:**

**Cc:**

**Subject**

Katina Burchfield

Thursday, February 11, 2010 12:00 PM

Darrell Roark

Alexander Kerr; John Paone FW: Drugs

Darrell

Pleaseset up a call with the FBI for us to discuss in more detail.

***Katina Burchfield***

***Zone Manager, Southern Region***

*FedEx Co orate Secu rity·*

**From:** Alexander Kerr

**sent:** Thursday, February 11, 201011:32 AM

**To:** Katina Burchfield

Cc: Lesa Evans; John Paone; Trey Wade

**Subject:** RE: Drugs

Kat,

I am extremely concerned 011er safety of the counter staff especially If these are h!ghly addictive, please reach out to the FBI SAC to get some detaUs of how long this will continue.

Regards Alex

**Alacarm: KaT**

**ManagDirai<r SculhrnRE{J(llSmriy**

**FaExBc**

**From:** Katina Burchfield

**Sent:** Thursday, February 11, 2010 11:28 AM

**To:** Alexander Kerr

**Subject** FW: Drugs

Here *is* what Darrell sent me this morning. I have not had time to review the details yet.

***Katina Burchfield***

*Zone* ***Manager,*** *Souihem* ***Region***

*FedEx* ***Co,porate Security***



1

FOX\_E3\_0009288

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**From:** \_Darrell Roark

**Sent:** Thursday, February 11, 2010 7:17 AM

**To:** Katina Burchfield

**Subject:** Drugs

Waited tHI this morning but did not receive email from FBI case manager. What we know to date:

* Drug Involved Is Tramadol.
* Low level pain medicine, very addictive.
* CNN Reports brother died of overdose, CNN ran story about drug being shipped via internet pharmacy company.
* FBI looked into case and started investigation.
* Some states have this listed as Felon anci others Misdemeanor.
* NC 1s a Misdemeanor.
* Asheville NC PO Is monitoring clrugs coming thru AVLA.
* Packages are addressed to terminal for pickup.
* No apparent danger viewed at AVLA.
* Packages are picked up AM first tiling In the morning.
* Police are a1 station when cus1omers pick up Tramadol during sort
* FBI has asked FedEx to delivery drugs not to let shipper know it Is under fnvestigation.
* Asheville PD has been asked by FBI not to investigate any Tramadol cases.
* Shippers; Roots Phannacy.•. Roots lnc...Roots Pharmacy Solutlons.•.Roots Pharmaceutical, and US Marketing solutlons...JRB Health Solutions, all share the same.suite numbers and address {960 Rand **Rd.** Desplaines IL 60016 .
* FBI reports that drugs originate from Kuwait.
* FBI agent will send update and subpoena to company for data on shippers they need for their investigation.
* Will furnish further information as time allows when received.

Darrell Roark

Senior Security Speclallst,Southem Region FedE>< Co orate Security



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FDX\_E3\_0009289

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# Exhibit D

Case3:14-cr-00380-CRB Document89 Filed03/25/15 Page26 of 28

**From: Sent: To:**

**CC:**

**Subject:**

Jose Perez

Sa1urday , October 23, 2004 08:58 **PM**

Steve Pittman; John Paone;

**Jose Perez**

**MPBA Seizure**

I just received a copy of the search war rant. Charges are as follows:

1. Conspiracy to Commit Racketeering (FS 895.03(4) and 777.011)
2. Tra fficking in H•/drocodone (FS 893.135(1)(c)1)
3. Adulteration/Misbranding of Pharmace utica ls (FS 499.005(2), 499 . 006, 499.007 , 499 . 096 and 777.Oll)
4. Attempted delivery of adulterated/misbranded pharmaceutical s 499.0 05(1) , 499.006, 499.007, 499.069,

777.011)

I will be attending a briefing on Monday at the FDLE offices with the agen ts and UPS Security to coordinate the operation. The tentative plan is to have an agent at MPBA and MIAC . I did ask him to try and keep "Fedex" out of any press re ease.

FEDEX E2 00287624

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**Microsoft Outlook**

**From: Se nt: To: Subject:**

Alexa nde r Kerr

M o nda y, October 25, 2004 9:19 AM Robert Leger

FW : MPBA Seizure (FDLE)

fyi

-----Original Message ­

**From:** Bill Henrikson

**Sent:** Sat urday, October 23, 2004 8:27 AM

**To:** Bob Bryden; Steven Taylor; David Spence; Matthew Vega; Rush O'Keefe; Sandra Munoz; Todd Ondra; She rry Mitchell; Alexa nder Ker r; Dan D'A II; Mike Carter; Raymond Crowley

**Subject:** FW: MPBA Seizure (FDLE)

It i:IJJfJeor:; thc1t tl1e Slale of Fluiida hc1::; a uockl.luw11/i11v!:lsli!:Jc1lio11 r1:1!Jcm.li118 c.1I 1 inl!:lrnet µl1c11111cH.:y in South Flvrida,Tl1e

internet pharmacy ships via us and UPS.

Bill

-----Original Message ­

**From:** Dan D'AII

**Sent;** Saturday , October 23, 2004 8:12 AM **To:** Bill Henrikson; Alexa nder Kerr **Subject:** FW: MPBA Seizure (FDLE)

FYI

-----Original Message-----

**From:** Jose M. Perez 

**Sent:** Saturday, October 23, 2004 5:36 AM

**To:** Dan D'AII

**Cc:** Steve Pittman; Jose Perez

**Subject:** Re: MPBA Seizure (FDLE)

/\II shipments were dom estic shipm ent E;. No in t erna tio,n ol shipments were rioted. The ph::irma.cy is bosedl out of Miam i, Fl.

----- Original Message -----

**From:** Dan D'AII

**To:** Jose Perez ; Steve Pittm c1n ; John Paone **Sent:** Friday, October 22, 2004 10:01 PM **Subject:** RE: MPBA Seizure (FD LE)

Jose were these international shipments incoming lo the U.S. ??

Thanks.

----- Original Message ­

**From:** Jose Perez

**Sent:** Friday, October 22, 2004 8:21 PM

**To:** Steve Pittman; John Paone;

**Cc:** Jose Perez

**Subject:** MPBA Seizure (FDLE)

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At approx 1650hrs, 10-22-04, agents from the FDLE and Florida Department of health seized 564 packages containing different Schedule Il and III narcotics. This seizure was as a result of an on going investigation of internet ordered prescr iption. Their i nvest igation spans also to sh ipments from MIAC Station, Coral Gables, **Fl** and to UPS. They expect to serve the search warrant on Monday 10-25 -04 for the location from where the items are being shipped...and some arrest are expected. All packages were CONS and a comment was added to advise the call centers not to open traces on the packages. A morning report was prepared and Media Relation was ntfd.

Respectfully submitted, Jose M. Perez

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