

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,)	Criminal No.
)	08-10049-JLT
)	
v.)	
)	
THOMAS FARINA,)	
)	
Defendant.)	

GOVERNMENT’S BILL OF PARTICULARS

Pursuant to the Court’s Order of June 20, 2008, the Government hereby files its Bill of Particulars, identifying those documents alleged to have been altered or destroyed, to the extent that it is able to do so.

COUNT ONE

In general, Count One includes all documents from the computer laptop utilized by Thomas Farina that include a reference to X-Drug and pain and/or X-Drug and 20 mgs. This includes the e-mails, pre-operative briefing sheets and other documents identified in Counts Two, Three and Four, below.

COUNT TWO

1. All pre-operative surgery instructions (also known as pain pathways, briefing sheets, or protocols) from the computer laptop utilized by NB. These documents include the following, and any e-mails between NB and Thomas Farina regarding the same:
 - a. Central Brooklyn Medical Group, HIP Center
Dr. Wilma M. Hunts-Watts, D.P.M.
(TF 907-908; 1545, 1546)
 - b. Daniel W. Wilen, M.D.
(TF893-894)

- c. Orthopaedic Surgical Consultant, P.C.
(TF 895)
- d. Podiatric Medicine & Surgery
Dr. Richard Lacerte, DPM
(TF 896-897)
- e. Podiatric Medicine and Foot Surgery
Dr. Vincent D. Pacella
(TF898)
- f. Fort Hamilton Foot Care
Dr. Luis Montalvo, D.P.M., D.A.B.P.S.
Dr. Ioannis Arapidis, D.P.M.
(TF899-900; 901-902)
- g. Comprehensive Care of New York
Dr. Charles DeMarco, M.D.
(TF903-904)
- h. Bay Ridge Orthopaedic Associates, P.C.
(TF905-906; 909-910)
- i. Dr. William D. Spielfogel
(TF1539)
- j. Brent Bernstein, D.P.M.
(TF1541; 1543)

These documents are also located from TF653-669.

- 2. Field Coaching Guides dated June 12, 2003 (TF670); July 30, 2003 (TF671); August 21, 2003 (TF672); and, December 2, 2003 (TF673).

COUNT THREE

All documents from the computer laptop utilized by AA, that include the words “X-Drug” and “pain.” These documents include, but are not limited to,

- 1. All e-mails, including attachments, ending with e-mail from Thomas Farina, February 9, 2004, entitled “FW: Pre-op pain and post-op resource utilization.” (TF1441-1452);

2. E-mail from Thomas Farina, February 18, 2004, entitled “Playbooks from POA1,” with attachment. (TF1454-1461);
3. POA 1 2004 Brooklyn Playbook (TF1433-1439).

These documents are also contained in TF1887.

COUNT FOUR

All documents from the computer laptops utilized by NB and IG that contain the words “X-Drug” and “pain.” These documents include, but are not limited to, items 1(a) through (j) identified in Count Two, and items 1-3 identified in Count Three. In addition, the documents include all cover e-mails and pre-operative surgery instructions (also known as pain pathways, briefing sheets, or protocols) from the computer laptop utilized by IG (see TF147), including:

- a. Dr. Eugene Shapiro
- b. Dr. Mark Gventer (TF9141; TF2115-2116)
- c. Dr. Joseph Stein (TF2114)
- d. Dr Gary Sapphire
- e. Dr. Sandra Frasca

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Susan M. Poswistilo
SUSAN M. POSWISTILO
SARA M. BLOOM
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

I hereby certify that this documents filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Date: July 7, 2008

/s/ Susan M. Poswistilo
SUSAN M. POSWISTILO
Assistant United States Attorney