

IN THE SUPREME COURT OF THE UNITED STATES

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VILASINI GANESH,

*Petitioner,*

vs.

UNITED STATES OF AMERICA,

*Respondent.*

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On Petition for a Writ of Certiorari to  
the United States Court of Appeals  
for the Ninth Circuit

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**URGENT APPLICATION TO EXTEND/STAY SELF SURRENDER DATE OF  
NOVEMBER 10, 2021, PENDING THIS COURT'S CONSIDERATION OF  
PETITIONER'S PETITION FOR WRIT OF CERTIORARI FILED PURSUANT TO  
SUPREME COURT RULE 22**

**ADDRESSED TO JUSTICE ELENA KAGAN**

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Petitioner Vilasini Ganesh, pursuant to Supreme Court Rules 21 and 22, hereby respectfully seeks an Order staying her self-surrender date of November 10, 2021, pending this Court's resolution of her pending petition for writ of certiorari. This motion is styled as urgent because her self-surrender date to the Bureau of Prisons is November 10, 2021.

This Motion is made and based upon the attached Points and Authorities.

## **LEGAL AUTHORITY**

Pursuant to Rule 22, motions made be addressed to an individual Justice. Justice Elena Kagan is the assigned Justice for cases originating in the Ninth Circuit Court of Appeals. 18 U.S.C. 3142(c), 3143 and Federal Rule of Appellate Procedure 9(a) permit bail pending appeal in criminal cases. Release pending appeal is appropriate where an applicant does not pose a danger to the safety or any other person or the community and where the applicant is not likely to flee the jurisdiction.

Petitioner was granted bail pending appeal in her criminal case by the district court in October 2018. She met all of the statutory criteria required. Furthermore, she was at liberty prior to her trial and sentencing and she has now established over a period exceeding five years that she is not a flight risk and that she does not pose a danger to the community.

The request herein is simply that she be permitted to remain at liberty pending this Court's resolution of her pending petition for writ of certiorari.

## **PROCEDURAL HISTORY**

Dr. Ganesh was indicted in May 2016 in the Northern District of California, San Jose Division. She was convicted by jury trial in December 2017 and sentenced in August 2018. She appealed to the Ninth Circuit Court of Appeals and the Circuit issued a memorandum affirming her conviction in May 2021. A

petition for rehearing/rehearing en banc was denied on July 30, 2021. A motion to stay the mandate was denied by the Circuit in August 2021. An Emergency Motion to Stay Dr. Ganesh's self-surrender date was filed in the Ninth Circuit on November 8, 2021. It is not known if there is sufficient time for the Circuit to grant or deny the motion prior to November 10, 2021, but it certainly will not prior to this filing. The Motion is attached hereto as Exhibit 1.

Dr. Ganesh appeared before the district court, on remand, on September 8, 2021. The district court stated that it would impose a self-surrender date to Dr. Ganesh and that any additional relief she sought to seek should come from this Court. See Transcript, attached hereto as Exhibit 2, pages 12 and 13. A date of November 10, 2021, was established for Dr. Ganesh's self-surrender. Id., page 18.

An Emergency Motion to Stay Dr. Ganesh's Self-Surrender Date was also filed in the District Court on November 8, 2021. See Exhibit 3, attached hereto, despite the fact that the district court has previously indicated that any additional relief would have to come from this Court or from the Circuit. It is not known if the district court has sufficient time to rule upon the Emergency Motion prior to November 10, 2021, but she certainly will not prior to this filing.

Dr. Ganesh filed her Petition for Writ of Certiorari with this Court on October 28, 2021, and a docket number was assigned to her petition on November 3, 2021.

## RELEVANT FACTUAL HISTORY

Dr. Ganesh's counts of conviction are related to health care fraud and do not involve crimes of violence. She was sentenced to 63 months. In all of her post-conviction briefing, on direct appeal and before this Court, she has raised substantial and non-frivolous issues relating to her right to counsel and her guarantees pursuant to the Sixth Amendment. Also raised below were serious questions about the government's conduct in the district court, issues which are not raised herein in her pending petition, but which will be raised in later proceedings in the district court.

Dr. Ganesh was a family practice doctor in Santa Clara County California running a simple family practice. Her indictment stems from billing submissions to private insurers, not Medicare or Medicaid. She was in fact acquitted of the more serious charges against her at trial, including conspiracy to commit health care fraud and money laundering. Her counts of conviction involve 5 alleged occurrences of billing submissions involving 5 dates ranging from 2011 to 2013. For this, she was sentenced to 63 months in federal prison.

Dr. Ganesh's orthopedic surgeon husband was also indicted and charged with the same conspiracy, money laundering and false statements made to insurance companies. He too was acquitted of the most serious charges against him and was convicted of one count that involved billing for a service on

November 25, when in fact the service was provided on November 23. His restitution was \$216.00 to give this Court an idea of the minimal conduct at issue here. For this, Dr. Belcher was sentenced to a year in federal prison.

Dr. Ganesh and Dr. Belcher have five children, three of them are minor children. Although Dr. Ganesh asked the district court to stagger the sentences of these defendants, the district court declined to do so, directing Dr. Ganesh to self-surrender on November 10, 2021, and Dr. Belcher to surrender in January 2022. This is the opposite of staggering due to the disparate lengths of their sentences.

Dr. Ganesh enjoys the support of physicians throughout the country. Attached are letters from Association of American Physicians and Surgeons, American Association of Physicians of Indian Origin, Physician Just Equity, Federation of Indian Physicians Associations, and a collective group of physicians in Texas, all addressed to this Court. See Exhibit 4. These organizations and individuals have been actively advocating for Dr. Ganesh for many months. Indeed Dr. Ganesh had an unblemished record as a physician through November of 2018, a date after her federal sentence was imposed. See Exhibit 5. Most of her patients loved her and were shocked that she had been indicted or that she was being prosecuted.

Regarding the prior requests to the district court to “stagger” the sentences of Belcher and Ganesh, a letter explaining the unfortunate status of the children is

also attached hereto as Exhibit 6. It should be noted that the children are of course innocent victims and have not been convicted of anything. They are 12, 13 and 15 years old with no family member able to care for them at this time. Dr. Ganesh's brother will be returning from India in January and will be able to assist with their care at that time.

This information is provided to demonstrate that Dr. Ganesh has substantial ties to not only her northern California community, but across the United States. She is a United States Citizen, and she has complied with all terms of her pretrial and appellate release conditions. There is no prejudice that will result to anyone if her self-surrender date is extended to a date after this Court has resolved her pending Petition for Writ of Certiorari.

For each of these reasons, it is respectfully requested that this Court enter an Order vacating her current self-surrender date, or staying it, pending further resolution of her pending Petition for Writ of Certiorari.

Dated: November 3, 2021

Respectfully submitted,

*/s/ Lisa A. Rasmussen*

---

**LISA A. RASMUSSEN**  
*Counsel of Record*  
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*Counsel for Petitioner*

Exhibit 1

Exhibit 1



Docket No. 18-10333

Consolidated with 18-10133 (lead)

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA

Plaintiff-Appellee,

vs.

VILASINI GANESH, M.D.

Defendant-Appellant,

Appeal from Judgments of Conviction in the  
United States District Court, Northern District of California (San Jose Division)  
Case Number 5:16-cr-0211 LHK

**EMERGENCY MOTION BY VILASINI GANESH TO:**

**STAY SELF-SURRENDER DATE OF NOVEMBER 10, 2021, PENDING  
RESOLUTION OF HER PETITION FOR WRIT OF CERTIORARI FILED  
WITH THE UNITED STATES SUPREME COURT**

Lisa A. Rasmussen, Esq.  
Nevada Bar No. 7491  
California Bar No. 207026  
**The Law Offices of Kristina Wildeveld & Associates**  
550 E. Charleston Blvd., Suite A  
Las Vegas, NV 89104  
Tel. 702.222-0007  
Fax 702.222-0001  
Email: [Lisa@VeldLaw.com](mailto:Lisa@VeldLaw.com)

Defendant VILASINI GANESH, by and through her counsel, Lisa A. Rasmussen, hereby moves this Court for an order staying her self-surrender date pending resolution and disposition of her Petition for Writ of Certiorari filed on October 28, 2021, and docketed as case number 21-6156 on November 3, 2021.

This Motion is made and based upon the following:

1. Dr. Ganesh filed a Motion to Stay the Mandate with this Court in August 2021. That Motion was denied on August 5, 2021.
2. On September 8, 2021, both defendants appeared before the District Court to discuss a self-surrender date. The undersigned asked that Dr. Ganesh be permitted to surrender in February 2022 and that her surrender date be staggered with Dr. Belcher's much shorter 12-month sentence for the sake of the minor children. The undersigned also made clear, and the district court was aware, that Dr. Ganesh was going to file a Petition for Writ of Certiorari to the United States Supreme Court.
3. The District Court declined to stagger the sentences and ordered Dr. Ganesh to surrender first (on November 10, 2021) and directed Dr. Belcher to surrender on January 5, 2022. The District Court stated that any additional relief would need to come from either this Court or the United States Supreme Court. Despite these comments, the undersigned has also filed an Emergency Motion with the District Court on today's date in the event the District Court will change its mind.
4. Dr. Ganesh asked for a surrender date of February 2022 for two reasons: (1) to allow staggering with her husband/co-defendant's much shorter sentence of 12 months and (2) to permit her to file and receive some determination from the United States Supreme Court. As it stands right now, there is insufficient time for the United States Supreme Court to make its determination prior to Dr. Ganesh's self-surrender date, which is Wednesday.

5. The district court was encouraged to stagger the sentences because position due to the impact on the minor children of doctors Ganesh and Belcher. A letter addressing the current status of the children is attached. They are not doing well at all. Dr. Ganesh enjoys the support of multiple physician organizations across the country in asking that the commencement of her sentence simply be stayed pending resolution of the Supreme Court's determination. A letter from the American Association of Physicians and Surgeons addressed to Justice Elena Kagan is also attached in the event this Court denies Dr. Ganesh's relief.

6. Dr. Ganesh has been under the supervision of Pretrial Services since May 2016. She has not had any supervision issues and has remained compliant. She does not pose a danger to the community, and she presents no risk of flight. In fact, she has no resources as both she and her husband have lost everything, and both are indigent.

7. This Court is authorized, pursuant to Rule 9(a) and 18 U.S.C. 3143(b) to extend the time for Dr. Ganesh's self-surrender pending further action from the United States Supreme Court.

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For each of these reasons, it is respectfully requested that this Court enter an order staying Dr. Ganesh's self-surrender pending a determination by the United States Supreme Court.

Dated this 8th day of November 2021.

Respectfully submitted,

*/s/ Lisa A. Rasmussen*

---

LISA A. RASMUSSEN, ESQ.

Counsel for Dr. Vilasini Ganesh

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I manually served a copy of the foregoing:  
MOTION TO STAY SELF-SURRENDER DATE via CM/ECF, upon the following  
persons:

John Pellettieri, AUSA

Dated: 11/8/21

*/s/ Lisa A. Rasmussen*

---

Lisa A. Rasmussen, Esq



**RASSIK**  
COMPLETE RECOVERY INC

November 5, 2021

The Honorable Lucy H. Koh  
United States District Court  
Northern District of California

Re: United States v. Ganesh  
5:16-cr-0211 LHK

Dear Judge Koh,

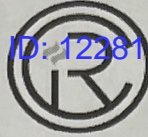
I have over 40 years' experience as a psychiatrist and I also possess a juris doctorate degree. I have had the opportunity to meet with Dr. Ganesh in person and have also met with her mother and three children via Zoom.

The children are doing poorly. Raymond, who is now 15, Rea who is now 13 and David who is now 12 all appeared to be very subdued and regressed. The past five and a half years have taken a substantial toll on their mental health. This began when they saw the FBI break into their home and arrest their parents. Their struggles continued throughout the trial, the appeal and through the present stress where they face the undisputed uncertainty of having both parents taken from them. Each of them appears to be suffering from Post-Traumatic Stress Disorder.

The oldest child, Raymond, was in particularly bad shape. He told one of his teachers at school that he wanted to die as he could not cope with the situation regarding his parents. He previously had psychotherapy during the trial but is not currently on medication or seeing a therapist. Rea presented as very quiet and shy, and she was extremely withdrawn for a child her age and would not interact but kept her face down most of the time we talked. When asked how she was doing, she became very tearful. David, the youngest child, did not talk at all. His parents report that he stops talking and eating because he is overwhelmed and on multiple occasions, he has wet the bed.

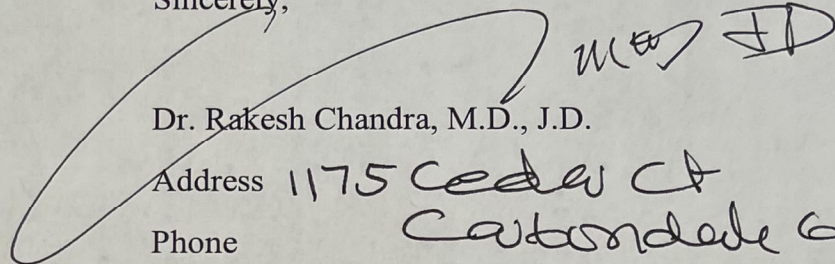
I am particularly concerned that these children have been put through a lot for no fault of their own. Regardless of what their parents have done, or not done, they are victims of this situation and are extremely vulnerable. I believe that if both parents are incarcerated these children will really go in a downward spiral and may end up having severe psychological issues which could be severe enough to require hospitalization. At a minimum, they need to be seen by a therapist and placed on medication as soon as possible.

I would implore the court to reconsider its position on staggering the sentences of Dr. Ganesh and Dr. Belcher. Dr. Belcher has a much shorter sentence. If he can substantially serve his much shorter sentence prior to Dr. Ganesh commencing her sentence it would leave the children with at least one parent for most of the time.



**RASSIK**  
COMPLETE RECOVERY INC

Sincerely,



Dr. Rakesh Chandra, M.D., J.D.

Address 1175 Cedar Ct  
Carbondale 62901  
Phone 618-201-6996



1601 N. Tucson Blvd. Suite 9  
Tucson, AZ 85716-3450  
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Association of American Physicians and Surgeons, Inc.  
A Voice for Private Physicians Since 1943

*Omnia pro aegrotis*

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Editor-In-Chief

The Honorable Elena Kagan  
Associate Justice  
Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543

11/02/2021

Dear Justice Kagan,

We are writing today in support of Vilasini Ganesh, MD, and the petition being filed on her behalf with the Supreme Court to address the miscarriage of justice that has befallen her and her family.

The Association of American Physicians & Surgeons ("AAPS") is a non-profit membership organization of physicians and surgeons who are mostly in small, independent practices. Founded in 1943 (and about to launch our 78th year), AAPS defends and promotes the practice of private, ethical medicine. AAPS has members in virtually every specialty and State, and AAPS speaks out frequently about issues concerning patients and medical practice.

We urge the Court to immediately take a close look at the case of Dr. Ganesh and the many irregularities that led to her improper conviction. For example, it appears that she was convicted based on a misleading spreadsheet, and was ultimately denied the attorney of her choice contrary to her Sixth Amendment rights.

This matter is particularly urgent because Dr. Ganesh is currently being required to report to federal prison, to serve a 63-month sentence, on November 10 (*U.S. v. Ganesh*, No. 5:16-cr-0211 (LHK), N.D. Cal., San Jose Division). We understand that she has three children and an ailing mother who depend on her care at this particular time. These extenuating circumstances make her imminent incarceration particularly unjust.

Due to the serious questions about injustice that are raised by this case, we are hopeful that the Court can intervene to stop this imminent long-term incarceration of Dr. Ganesh, while this matter can be investigated more fully.

Thank you for your urgent consideration of this matter.

Sincerely,

Jane M. Orient, M.D.  
Executive Director

Exhibit 2

Exhibit 2



UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE LUCY H. KOH, JUDGE, JUDGE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	No. 16-cv-0211-LHK
	)	
GREGORY BELCHER and VILASINI	)	
GANISH,	)	
	)	
Defendants.	)	San Jose, California
_____	)	Wednesday, September 8, 2021

**TRANSCRIPT OF PROCEEDINGS**

**APPEARANCES:**

For Plaintiff:                   STEPHANIE M. HINDS  
Acting United States Attorney  
450 Golden Gate Avenue, 11th Floor  
San Francisco, California 94102

BY: **JEFFREY D. NEDROW**  
**ASSISTANT UNITED STATES ATTORNEY**

For Defendant Belcher:

RIORDAN & HORGAN  
1611 Telegraph Avenue  
Suite 806  
Oakland, California 94612

BY: **DENNIS P. RIORDAN, ESQ.**

For Defendant Ganesh:

LAW OFFICE OF LISA RASMUSSEN  
601 South Tenth Street  
Suite 100  
Las Vegas, Nevada 89101

BY: **LISA A. RASMUSSEN, ESQ.**

Also Present:

**KYLE POLLAK, U.S. Probation**

Reported by: **BELLE BALL, CSR 8785**  
Official Reporter, U.S. District Court

1 Wednesday - September 8, 2021

10:04 a.m.

2 P R O C E E D I N G S

3 **THE COURTROOM DEPUTY:** Calling Case 16-211, the  
4 United States versus Vilasini Ganesh and Gregory Belcher.

5 Counsel, please state your appearances for the record,  
6 starting with counsel for the government. Thank you.

7 **MR. NEDROW:** Good morning, Your Honor. Jeff Nedrow  
8 for the United States.

9 **MR. RIORDAN:** Good morning, Your Honor. Dennis  
10 Riordan for Dr. Gregory Belcher, who is present by Zoom this  
11 morning as well.

12 **MS. RASMUSSEN:** Good morning, Your Honor. Lisa  
13 Rasmussen for Dr. Vilasini Ganesh, who is present by Zoom.

14 **PROBATION OFFICER POLLAK:** And Kyle Pollak for U.S.  
15 Probation.

16 **THE COURT:** All right. Good morning. And welcome to  
17 everyone.

18 I did review Dr. Belcher's submission regarding this  
19 self-surrender date. Does anyone wish to be heard briefly on  
20 this question?

21 **MS. RASMUSSEN:** Well, Your Honor, I have comments on  
22 it, and I'm not in agreement with it, for reasons which I will  
23 state. But I think that perhaps the government might wish to  
24 be heard first.

25 **MR. NEDROW:** Thank you, Your Honor. Thank you,

1 Ms. Rasmussen.

2 Your Honor, we object to the length of the request. We're  
3 not asking for Dr. Belcher's remand today, even though it has  
4 been many years since the sentencing in this case. Nor are we  
5 asking for Dr. Ganesh's remand, necessarily, today, but we do  
6 think a date needs to be set in very short order.

7 The convictions occurred in December, 2017; the sentencing  
8 was in 2018. Absolutely respect that Dr. Ganesh and  
9 Dr. Belcher pursued their right to appeal and, and they  
10 requested and were granted bail pending appeal. But, though,  
11 that process has concluded and those appeals have been  
12 exhausted. And it's appropriate now for them to begin their  
13 sentences and for there to be some accountability. They've  
14 known about this now for quite some time, even the Ninth  
15 Circuit ruling affirming the conviction and the sentence.

16 So we think a date should be set in short order. Again,  
17 we recognize there are children involved. We want to be  
18 respectful and sympathetic to that process. But it can't be  
19 that it's put off for, you know, another nine months, which is  
20 closer to a year than it is to today. So we would ask a date  
21 certain be set in a relatively short period of time.

22 **THE COURT:** Ms. Rasmussen, go ahead, please.

23 **MS. RASMUSSEN:** Thank you, Your Honor.

24 So I'm good at math. And I think what I'm requesting is a  
25 -- somewhat of a stagger here. And the only way a stagger

1 works is based on the length of the sentences -- Dr. Belcher's  
2 sentence is a year and a day, Dr. Ganesh's is 63 months. The  
3 only way that works is if Dr. Belcher goes in first, and gives  
4 some overlap to the start of Dr. Ganesh's sentence.

5 Dr. Ganesh also has a medical issue. I think the Court is  
6 familiar with some of the medical issues that she had before.  
7 She has a clotting disorder. She is scheduled to meet with a  
8 doctor within the next two weeks to see if she is able to do  
9 the vaccine. Because of her clotting disorder, she has to have  
10 some additional testing done.

11 You know, she preferably would go into BOP having had the  
12 vaccine. And then if the doctor determines that she can do it,  
13 she would have to do a little bit longer length in between  
14 vaccines than most of us. Her doctor will likely recommend six  
15 weeks in between vaccines. But at this point, she's not been  
16 told that she's even eligible for it.

17 But beyond that, there are other logistical issues with  
18 the children, as the Court is aware. And I know that this is  
19 not the Court's problem, but it is a problem for both  
20 Dr. Ganesh and Dr. Belcher.

21 So the situation with the children is that the only person  
22 who's able to help take care of them in the entire collective  
23 family is Dr. Ganesh's brother. Her brother is currently in  
24 India, putting together a business. He is scheduled to be back  
25 in January. Her mother is 80 years old and has had myriad

1 health problems since we were last in front of Your Honor.  
2 She's -- she lives in a senior center, so she's not able to  
3 have the children live with her. They could stay, like,  
4 overnight once but they can't live with her because of where  
5 she lives. So Dr. Ganesh's brother is the only person who can  
6 care for the children. Dr. Belcher, to my understanding, has  
7 no family that can participate in the care of the children.

8 So my request would be that Dr. Ganesh's surrender date be  
9 in either late January or early February. I realize it's a  
10 request -- it's a push, it pushes it out some time. But I  
11 don't think it's a huge ask. I think it's realistic. If  
12 Dr. Belcher were to go in and start his sentence, he would be  
13 working toward the end of it, and at a point where he's  
14 potentially eligible for halfway house or home confinement, and  
15 then she could start hers.

16 So that would be my request, Your Honor.

17 **THE COURT:** All right. Mr. Riordan, I did read what  
18 was filed on behalf of Dr. Belcher. Did you want to add  
19 anything?

20 **MR. RIORDAN:** Yes, Your Honor. A couple of things.

21 One is that if there is any question about the fact that  
22 Dr. Belcher is -- well, certainly, putting aside for the moment  
23 Attorney Rasmussen's representation about Dr. Ganesh's brother,  
24 certainly at this point the only person -- or the person who's  
25 absolutely critical and necessary to the care of the children,

1 I would ask that the Court delay a decision on the surrender  
2 date until an investigation can be conducted by Probation or  
3 Pretrial Services in which these children are interviewed about  
4 their situation, and about the necessary role that their father  
5 is playing in it. I think that's -- that's critical.

6 I disagree with Counsel Rasmussen when she says that this  
7 is the problem of Dr. Belcher and -- and Ms. Ganesh, and not  
8 the Court. The fact of the matter in sentencing is a concern  
9 for innocent victims such as these is always a consideration  
10 both for the government and certainly for the Court.

11 And we've got a situation in which if Dr. Belcher is  
12 removed from this -- this home, as the government said, very  
13 soon, these children are not going to be able to be schooled  
14 and, and adequately cared for in -- in -- while he is away.

15 Let me bring one other consideration, and I think it's an  
16 important one, to the government -- to the Court. Well, and  
17 the government. Dr. Belcher is designated for Lompoc.

18 Lompoc is presently under an order in the case of *Torres*  
19 *versus Milusnic*, M-I-L-U-S-N-I-C, Case No. 20-cv-4450 out of  
20 the Central District. Under that order, Lompoc is required to  
21 consider and place as many inmates who either are over 50 or  
22 have a preexisting condition in home confinement. And  
23 Dr. Belcher, were he to surrender, would immediately then be  
24 eligible and, necessarily, under immediate consideration for  
25 home confinement.

1           If there is going to -- if it is, I think, extraordinarily  
2 likely that upon his surrender, soon thereafter, Dr. Belcher --  
3 but it could be a period of months -- is then placed in home  
4 confinement, I think it's in the interest of everyone than that  
5 home confinement be ordered by the Bureau of Prisons before he  
6 surrenders.

7           And for that reason, I would also ask that the Court make  
8 a recommendation. It doesn't have the power to order home  
9 confinement, but the Bureau of Prisons is going to consider  
10 that as soon as possible, as soon as there's a surrender date,  
11 as to Dr. Belcher. And a recommendation that he be placed in  
12 home confinement -- which is likely to happen at some point  
13 during his confinement, or relatively soon -- would solve the  
14 problem of the care of the children during the present school  
15 year.

16           And so we would also ask that a surrender date be placed  
17 out far enough so that at least the mechanism of having Lompoc  
18 consider his home confinement occur before he actually  
19 surrenders, because even if he were to be released 30 days  
20 thereafter, that 30 days in the immediate future would present  
21 a real problem for the care and education of these children.

22           **THE COURT:** Mr. Nedrow, and maybe Officer Pollak, do  
23 you know if the same facility to which Dr. Belcher was  
24 previously designated would be the same facility now? Or  
25 would the Bureau of Prisons, understanding that bed space and

1 other issues may have changed, need to sort of redo a  
2 designation?

3 Do you know, Officer Pollak? Will Bureau of Prisons need  
4 to redo a designation or can they just -- would a -- would a  
5 2018 designation still apply? I would assume they would need  
6 to redo it.

7 **PROBATION OFFICER POLLAK:** I would assume the same,  
8 based on the amount of time that's elapsed.

9 **THE COURT:** I see. Okay.

10 **MR. NEDROW:** Your Honor, I agree with that. I think  
11 I have had it stay the same, but of course, the intervening  
12 event is the COVID pandemic in this case, which changes  
13 everything. So, given that, I would think that there would be  
14 some kind of reassessment. Though I have had people referred  
15 to Lompoc recently, who have -- had had medical issues.

16 And the Bureau of Prisons is fully capable of engaging in  
17 the assessment Mr. Riordan provided, and they actually make  
18 their own decisions on whether to keep the person at the  
19 facility or decide to transfer them out. And I have that  
20 process going on with another defendant right now.

21 So I'm not so sure that that requires the delay that  
22 Mr. Riordan is describing. But I do agree that they will go  
23 through that process, and -- whether it happens now or later  
24 on.

25 **THE COURT:** Well, even if the designation stays the



1 same, the Bureau of Prisons still may need to do the  
2 evaluation to make sure that the same location still makes  
3 sense for current conditions and where they have populations  
4 housed.

5 So, okay. This is what I intend to do. This case was  
6 indicted on May 19 of 2016. So it's been five years and four  
7 months since indictment. The jury's verdict of guilty was  
8 December 14, 2017. So we're approaching four years. Okay?  
9 Then if I go and look at the sentencing for Dr. Belcher, was  
10 April 4th of 2018. So that's almost three and a half years.  
11 His original self-surrender date was June 6th of 2018.

12 And I was denying -- you know, there's so many, a series  
13 of post-trial motions, my order denying the second motion for  
14 new trial as to Dr. Belcher was August 17th, 2018. Order  
15 denying Dr. Ganesh's second motion for new trial was August 27,  
16 2018.

17 And I sentenced Dr. Ganesh on August 28 of 2018, so, more  
18 than three years ago. And she was to self-surrender on  
19 November 1 of 2018.

20 Now, I did grant bail, pending appeal, staying the  
21 self-surrender dates on October 29, 2018. So, almost exactly  
22 three years ago.

23 It is now time -- I agree with Mr. Nedrow -- for  
24 accountability here. The Ninth Circuit has affirmed the  
25 convictions and the judgments as to both defendants. The

1 defendants sought another stay of the mandate. The Ninth  
2 Circuit denied that. So that's clear. The Ninth Circuit now  
3 is not going to let these defendants stay out of jail, and not  
4 face the consequences of the jury's verdict. It's time, now,  
5 for accountability. I am not going to grant any more  
6 extensions. This has been going on already -- as I said, the  
7 verdict was four years ago. It is time.

8 So, Dr. Belcher will self-surrender to the facility to  
9 which he is designated. Now, I'm going to set it eight weeks  
10 from now because that's what I normally do to give Bureau of  
11 Prisons time to make an assessment. They may determine that  
12 Dr. Belcher should go to the same location to which he was  
13 designated three years ago. But I do need to provide them time  
14 to do that. Today is September 8th. I will order that he  
15 self-surrender to the facility to which he is designated on  
16 November the 10th of 2021, at 2:00 p.m.

17 Now, I do think that because I only sentenced him to 12  
18 months and a day, if he does qualify for good-time credits, he  
19 would be serving about ten months. So I will stagger  
20 Dr. Ganesh's self-surrender date.

21 I'm deeply disappointed that she's not vaccinated, as a  
22 doctor, herself, with the claims of -- to be honest, I found  
23 her claims of illness to avoid trial -- a tactic to avoid  
24 trial, and not -- I was never convinced. Anyway, I won't even  
25 get into what she would do. But she'd be on her period and go

1 to the hospital the night before a hearing, and say, "Well, I'm  
2 bleeding." So that happened at least twice. We had to  
3 continue competency evaluations at least twice for that exact  
4 same thing. So anyway, I -- I -- I hope that she does get  
5 vaccinated. I'm disappointed, as a medical doctor with any  
6 claimed medical condition, she's not, yet.

7 But I will stagger it to hopefully provide -- now, there  
8 were many -- Dr. Ganesh's brother came to every court  
9 proceeding. And sat through the entire trial. And even  
10 Dr. Belcher's cousin that lives in San Diego was either a  
11 witness, or her issue about her property, and Dr. Ganesh's  
12 involvement -- there were multiple family members that came to  
13 trial, came to court proceedings. So I think there are other  
14 family members that can assist with the children. I've seen  
15 them. They've come to court. They've come to the trial.  
16 Dr. Ganesh's brother was at every single court date.

17 So, but I will stagger it so that both parents will not be  
18 gone at the -- well, let me hear from Mr. Nedrow. Do you have  
19 any opposition to me staggering it, and having Dr. Ganesh  
20 self-surrender in January?

21 **MR. NEDROW:** No, Your Honor. I have no objection to  
22 a January date, which I think is a partial staggering, in  
23 deference to the children.

24 And my other request, which is really to counsel, would be  
25 that it be understood that the January date is a firm date,

1 because the government feels like it should oppose any further  
2 extension. But the January date, I have no objection to.

3 **THE COURT:** Well, I am not going to extend these  
4 self-surrender dates. I have found enough of -- having  
5 presided over this case for six years, I have seen a lot of  
6 behavior that I find consistent with purposeful delay.  
7 Consistently. Particularly on the part of Dr. Ganesh.  
8 Repeatedly. So I am not going to extend the self-surrender  
9 dates.

10 I think the fact that I gave them bail pending appeal back  
11 in 2018, allowing them to be out for three-plus years when I  
12 found the verdict and the convictions to be not subject to  
13 clear error or abuse of discretion or whatnot was sufficiently  
14 trying to take into consideration the ages of the children.  
15 But now, it is time for accountability.

16 So if they want an extension of these dates, they are  
17 going to have to get them from the United States Supreme Court,  
18 because I think the Ninth Circuit, by denying this stay motion  
19 of the defendants pending their -- defendants' petition for  
20 writ of certiorari, and the Ninth Circuit denied that on  
21 August 5, 2021, is giving a good indication the Ninth Circuit  
22 is not going to delay further accountability for these  
23 defendants.

24 **MR. RIORDAN:** Your Honor, I just would point out that  
25 the Court errs when it says that the defendants made a motion

1 to stay the mandate. Dr. Belcher did not make a motion to  
2 stay the mandate.

3 **THE COURT:** All right, thank you. It was just  
4 Appellant Ganesh's motion to stay the mandate, pending  
5 petition for writ of cert.

6 So if you can get a stay of your surrender date from the  
7 United States Supreme Court, then of course, that will be the  
8 law of the land, and that will be what is respected. But I am  
9 not going to extend these dates. And I suspect, based on the  
10 Ninth Circuit's denial of Dr. Ganesh's motion to stay the  
11 mandate, is an indication that neither are they. This case,  
12 this -- this jury verdict is almost four years old. Enough is  
13 enough.

14 But I will allow some staggering. If Dr. Belcher  
15 surrenders November 10, 2021, at 2:00, I will stagger  
16 Dr. Ganesh's surrender date to January 5 of 2022. Or I could  
17 do the reverse.

18 Mr. Nedrow, do you have a position? I feel that  
19 Dr. Ganesh is the one who is more likely to engage in dilatory  
20 delay tactics more than Dr. Belcher, so I could have her  
21 self-surrender first. It's her choice. It's been more than a  
22 year, and as a doctor, she's chosen not to get vaccinated. So  
23 I don't think that's now an excuse as to why she should be  
24 delaying.

25 I mean, so many defendants, they move for compassionate

1 release based on COVID and they're not vaccinated, then you're  
2 assuming the risk of COVID. And we don't release you, based on  
3 that unvaccinated status.

4 Mr. Nedrow. Do you have a position on which defendant  
5 goes in first?

6 **MR. NEDROW:** Your Honor, thank you.

7 I don't have a strong position either way. I agree with  
8 the Court's assessment that just based on the pure sentencing  
9 concerns just between the defendants, alone, I think I would  
10 lean towards requesting Dr. Ganesh go in first, based on the  
11 seriousness of the conduct, and concerns I have, quite frankly,  
12 about her self-surrendering.

13 However, I respect the position that Dr. Belcher is better  
14 situated to kind of, you know, get the children situated, and  
15 then the idea that he does his sentence and then is available  
16 again to the children while Dr. Ganesh is serving the sentence.  
17 And so taking those factors into consideration -- the children  
18 into consideration, I don't, viewing through that lens, have an  
19 objection to Dr. Belcher going in first if that's what the  
20 defendants want.

21 **THE COURT:** So you're going to have one  
22 self-surrender date November 10th, another one January 5th. I  
23 have the same concerns about Dr. Ganesh not self-surrendering.  
24 So you know what, I'm going to change my mind. Dr. Ganesh  
25 goes in first on November 10th. And Dr. Belcher will

1 self-surrender, then, on January 5th.

2 **MS. RASMUSSEN:** So, Your Honor, may I just ask what  
3 that does for staggering? Because it does nothing for  
4 staggering. My entire request to the Court was so that we  
5 could stagger.

6 The truth of the matter is -- and let me -- let me first  
7 talk about the vaccine issue. I have told all of clients --  
8 and Dr. Ganesh is no different -- that they need to be  
9 vaccinated. Even if they're not going to prison. But I've  
10 also told them that the only way they're likely to be released  
11 early from prison is if they're vaccinated. Because that's the  
12 reality of what's happening with the litigation on  
13 compassionate releases.

14 I have advised her to get vaccinated. She is working on  
15 that. So I don't understand the Court, you know, suggesting  
16 that --

17 **THE COURT:** Well, November -- I'm -- I'm sorry to  
18 interrupt you. November 10th gives her two months to get  
19 vaccinated.

20 **MS. RASMUSSEN:** I understand. But it's not enough  
21 for her to have the testing. She does have a clotting  
22 disorder. And I understand that Dr. Belcher is 60. She's not  
23 60. But she is actually one of the few people in the  
24 community in general that has a potential risk for a vaccine  
25 because of her clotting disorder.

1           Whether you believe it or not -- you know, I wasn't there,  
2 Your Honor, during the trial and the things that you describe.  
3 I do know, at the time of sentencing, that she did have an  
4 issue. Her mother has a clotting disorder. She has a genetic  
5 familial clotting disorder issue.

6           I share your disappointment that she's not vaccinated. I  
7 could not agree with you more. I think everybody should be  
8 vaccinated. But I also think that Dr. Belcher is the one who's  
9 in a position to go in, and probably get out the soonest. So  
10 it makes no sense for her to go first.

11           The point of me asking to stagger was so that he could go  
12 in, make his request to the BOP, hopefully get out, or get into  
13 a home-confinement position before she goes in.

14           So I understand your anger with Dr. Ganesh. It's patently  
15 visible in the record, if you will. I understand. I  
16 understand your frustration. I understand what has happened  
17 through the history of the case. I've read all of it. But  
18 what -- it doesn't make sense in terms of staggering to have  
19 Dr. Ganesh go first, because her sentence is 63 months. It's  
20 the math.

21           And so I'd ask that the Court reconsider its apparent  
22 decision to undo its first thought, and stick with the plan  
23 that the Court had initially thought was appropriate, which is  
24 that she go January; he go first.

25           I think Dr. Belcher is a candidate for early -- for



1 compassionate release. But what I know from the other cases  
2 I've litigated, myself, is that he has to actually be in BOP  
3 custody to make the request. He can't make the request, out of  
4 custody.

5 **THE COURT:** I don't know anyone who's granting  
6 compassionate release to vaccinated individuals.

7 **MS. RASMUSSEN:** I actually -- it's the opposite,  
8 here. People aren't getting released if they're not  
9 vaccinated. And the government here in the District of Nevada  
10 have taken the position that they're not eligible for release  
11 if they're not vaccinated.

12 **THE COURT:** But I'm telling you, the Northern  
13 District of California has the highest grant rate for  
14 compassionate-release motions, other than the District of  
15 Seattle, Washington. And I'm telling you: No one is  
16 releasing, based on COVID, anyone who is vaccinated.

17 And I have reviewed and scoured the decisions throughout  
18 the United States. I'm not just talking about Northern  
19 District of California. Folks who are vaccinated are not  
20 getting released. And I agree with you. Folks who are  
21 unvaccinated are not getting released for COVID. Both are  
22 true.

23 Mr. Riordan, do you have a view on who goes in first?  
24 Someone is going to self-surrender in November, and someone  
25 else will self-surrender in January.

1           **MR. RIORDAN:** Yes, Your Honor.

2           It is undisputable, I believe, and the Court could have an  
3 investigation of it, that all of the schooling of these three  
4 children is being done by Dr. Belcher.

5           Getting someone to care for the children in this  
6 extraordinary situation -- which did not exist in 2018 -- of  
7 home schooling means someone who is literally doing lessons  
8 with these children throughout the day. It will -- I accept  
9 that the Court has said that there will be some family  
10 situation that will permit their education and care, but  
11 frankly, it is not going to be easy to set up.

12           And if Dr. Belcher had until January to work on those  
13 arrangements for the children's education and the daily home  
14 schooling that has been involved in that, that would be better  
15 than him having to try and get that in place in the next 60  
16 days. Because he is going to be the one upon whom the  
17 obligation to provide for their education and make these  
18 alternative arrangements will fall.

19           **THE COURT:** All right. That's what I'm going to do.  
20 **Dr. Ganesh will self-surrender on November the 10th,** which is  
21 nine weeks from today. That is more than sufficient time to  
22 get vaccinated. November 10th, 2021, at 2:00 p.m., at the  
23 Bureau of Prisons facility to which she has been designated.

24           Dr. Belcher will self-surrender on Wednesday, January 5th,  
25 2022, at 2:00 p.m. at the Bureau of Prisons facility to which

1 he has been designated.

2 All right. Well, then, I'm going to thank you all for  
3 your participation in today's hearing, and that is my ruling.  
4 Thank you all very much.

5 **MR. NEDROW:** Thank Your Honor.

6 **THE COURT:** Thank you.

7 (Proceedings concluded)

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CERTIFICATE OF REPORTER

I, BELLE BALL, Official Reporter for the United States Court, Northern District of California, hereby certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

*Belle Ball*

\_\_\_\_\_  
/s/ Belle Ball

Belle Ball, CSR 8785, CRR, RDR

Wednesday, October 13, 2021

Exhibit 3

Exhibit 3

1 LISA A. RASMUSSEN, ESQ.  
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 2 CA Bar No 207026  
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6 Attorneys for Vilasini Ganesh  
 7

8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**  
 10 **SAN JOSE DIVISION**

12 UNITED STATES OF AMERICA,  
 13 Plaintiff,  
 14 v.  
 15 VILASINI GANESH,  
 16 Defendant.

Case No. CR16-0211-LHK

**EMERGENCY MOTION TO STAY SELF-SURRENDER DATE FOR VILASINI GANESH PENDING RESOLUTION OF PETITION FOR WRIT OF CERTIORARI PENDING IN THE UNITED STATES SUPREME COURT**

17  
 18  
 19  
 20 Defendant VILASINI GANESH, by and through her counsel, Lisa A. Rasmussen,  
 21 hereby moves this Court for an order staying her self-surrender date pending resolution and  
 22 disposition of her Petition for Writ of Certiorari filed on October 28, 2021, and docketed as case  
 23 number 21-6156 on November 3, 2021.

24 This Motion is made and based upon the following:

- 25 1. Dr. Ganesh filed a Motion to Stay the Mandate from the Ninth Circuit in August  
 26 2021. That Motion was denied on August 5, 2021.  
 27 2. On September 8, 2021, both defendants appeared before this Court to discuss a self-  
 28 surrender date. The undersigned asked that Dr. Ganesh be permitted to surrender in February

1 2022 and that her surrender date be staggered with Dr. Belcher's much shorter 12-month sentence  
2 for the sake of the minor children. The undersigned also made clear, and this Court was aware,  
3 that Dr. Ganesh was going to file a Petition for Writ of Certiorari to the United States Supreme  
4 Court.

5 3. This Court declined to stagger the sentences and ordered Dr. Ganesh to surrender  
6 first (on November 10, 2021) and directed Dr. Belcher to surrender on January 5, 2022.

7 4. There is no staggering as a result of this Court's prior order. A self-surrender date of  
8 February 2022 would have likely been sufficient time for the United States Supreme Court to  
9 either grant or deny Dr. Ganesh's petition. As it stands right now, there is insufficient time for  
10 the United States Supreme Court to make its determination prior to Dr. Ganesh's self-surrender  
11 date, which is Wednesday.

12 5. The Court is also encouraged to reconsider its position due to the impact on the  
13 minor children of doctors Ganesh and Belcher. A letter addressing the current status of the  
14 children is attached. They are not doing well at all. Dr. Ganesh enjoys the support of multiple  
15 physician organizations across the country in asking that the commencement of her sentence  
16 simply be stayed pending resolution of the Supreme Court's determination.

17 6. This Court is authorized, pursuant to 18 U.S.C. 3143(b) to extend the time for Dr.  
18 Ganesh's self-surrender pending further action from the United States Supreme Court.

19 For each of these reasons, it is respectfully requested that this Court enter an order  
20 staying Dr. Ganesh's self-surrender pending a determination by the United States Supreme Court.

21 Dated this 8th day of November 2021.

22 Respectfully submitted,

23 */s/ Lisa A. Rasmussen*

24 \_\_\_\_\_  
25 LISA A. RASMUSSEN, ESQ.

26 Counsel for Dr. Vilasini Ganesh  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I manually served a copy of the foregoing:  
MOTION TO STAY SELF-SURRENDER DATE via CM/ECF, upon the following persons:

Jeffrey David Nedrow [jeff.nedrow@usdoj.gov](mailto:jeff.nedrow@usdoj.gov)

Patrick Richard Delahunty [patrick.delahunty@usdoj.gov](mailto:patrick.delahunty@usdoj.gov)

Dated: 11/8/21

*/s/ Lisa A. Rasmussen*

---

Lisa A. Rasmussen, Esq





**RASSIK**  
COMPLETE RECOVERY INC

November 5, 2021

The Honorable Lucy H. Koh  
United States District Court  
Northern District of California

Re: United States v. Ganesh  
5:16-cr-0211 LHK

Dear Judge Koh,

I have over 40 years' experience as a psychiatrist and I also possess a juris doctorate degree. I have had the opportunity to meet with Dr. Ganesh in person and have also met with her mother and three children via Zoom.

The children are doing poorly. Raymond, who is now 15, Rea who is now 13 and David who is now 12 all appeared to be very subdued and regressed. The past five and a half years have taken a substantial toll on their mental health. This began when they saw the FBI break into their home and arrest their parents. Their struggles continued throughout the trial, the appeal and through the present stress where they face the undisputed uncertainty of having both parents taken from them. Each of them appears to be suffering from Post-Traumatic Stress Disorder.

The oldest child, Raymond, was in particularly bad shape. He told one of his teachers at school that he wanted to die as he could not cope with the situation regarding his parents. He previously had psychotherapy during the trial but is not currently on medication or seeing a therapist. Rea presented as very quiet and shy, and she was extremely withdrawn for a child her age and would not interact but kept her face down most of the time we talked. When asked how she was doing, she became very tearful. David, the youngest child, did not talk at all. His parents report that he stops talking and eating because he is overwhelmed and on multiple occasions, he has wet the bed.

I am particularly concerned that these children have been put through a lot for no fault of their own. Regardless of what their parents have done, or not done, they are victims of this situation and are extremely vulnerable. I believe that if both parents are incarcerated these children will really go in a downward spiral and may end up having severe psychological issues which could be severe enough to require hospitalization. At a minimum, they need to be seen by a therapist and placed on medication as soon as possible.

I would implore the court to reconsider its position on staggering the sentences of Dr. Ganesh and Dr. Belcher. Dr. Belcher has a much shorter sentence. If he can substantially serve his much shorter sentence prior to Dr. Ganesh commencing her sentence it would leave the children with at least one parent for most of the time.



**RASSIK**  
COMPLETE RECOVERY INC

Sincerely,

Dr. Rakesh Chandra, M.D., J.D.

Address 1175 Cedar Ct  
Carbondale 62901  
Phone 618-201-6996

Exhibit 4

Exhibit 4



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Association of American Physicians and Surgeons, Inc.  
A Voice for Private Physicians Since 1943

*Omnia pro aegrotis*

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JOURNAL OF AMERICAN  
PHYSICIANS AND SURGEONS

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Editor-In-Chief

The Honorable Elena Kagan  
Associate Justice  
Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543

11/02/2021

Dear Justice Kagan,

We are writing today in support of Vilasini Ganesh, MD, and the petition being filed on her behalf with the Supreme Court to address the miscarriage of justice that has befallen her and her family.

The Association of American Physicians & Surgeons ("AAPS") is a non-profit membership organization of physicians and surgeons who are mostly in small, independent practices. Founded in 1943 (and about to launch our 78th year), AAPS defends and promotes the practice of private, ethical medicine. AAPS has members in virtually every specialty and State, and AAPS speaks out frequently about issues concerning patients and medical practice.

We urge the Court to immediately take a close look at the case of Dr. Ganesh and the many irregularities that led to her improper conviction. For example, it appears that she was convicted based on a misleading spreadsheet, and was ultimately denied the attorney of her choice contrary to her Sixth Amendment rights.

This matter is particularly urgent because Dr. Ganesh is currently being required to report to federal prison, to serve a 63-month sentence, on November 10 (*U.S. v. Ganesh*, No. 5:16-cr-0211 (LHK), N.D. Cal., San Jose Division). We understand that she has three children and an ailing mother who depend on her care at this particular time. These extenuating circumstances make her imminent incarceration particularly unjust.

Due to the serious questions about injustice that are raised by this case, we are hopeful that the Court can intervene to stop this imminent long-term incarceration of Dr. Ganesh, while this matter can be investigated more fully.

Thank you for your urgent consideration of this matter.

Sincerely,

Jane M. Orient, M.D.  
Executive Director



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November 2, 2021

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The Honorable Justice Ms. Elena Kagan.  
Supreme Court of The United States  
1 First Street, N  
Washington, D.C. 20543

Dear Justice Kagan,

Founded in 1982, the American Association of Physicians of Indian Origin represents the values and interests of more than 80,000 practicing physicians in the United States. In addition, it also serves as a platform for more than 40,000 medical students, residents, and fellows of Indian origin in this country. 1 in 7 people in the USA, at some point in their health care, are touched by a physician of Indian origin and we are truly honored for this privilege and responsibility. Almost all of our doctors are responsible members of their community. They take the privileges bestowed on them, by this great country very seriously.

Recently, we, the Indian doctors of American Association of Physicians of Indian Origin, have been very troubled regarding some aspects of the case of one of our members Dr. Vilasini Ganesh. Dr. Vilasini Ganesh MD is a board-certified Family Medicine physician who had an active preventive and acute care practice located in Saratoga, California. She was independently practicing for several years with no reported complaints or concerns. In 2005, she purchased Campbell Medical Group from another physician, but after taking over discovered that there was significant unpaid residual billing.

As her practice continued, she billed a number of insurers including Aetna, BCBS, Medicare, and Medicaid, for her services. During this time, she found that there were several insurers (Aetna, BCBS, Anthem) that were not paying her claims. This is a common issue in private practice that many physicians face. As most physicians would, she attempted to negotiate with these companies to no avail. Her next step was to approach the Northern California Medical Society to help her understand the process and help her get her claims paid. She was given the names of several civil attorneys by the NCMS to help her try to resolve her issues.

Dr. Ganesh obtained the services of attorneys Heather Gibson and Rocky Delgadillo, who are both well-known and reputable attorneys in the community. They analyzed her billing, EOBs, and reimbursements thoroughly and concluded that Dr. Ganesh and her practice were owed approximately \$500,000 in reimbursements that were not paid from Aetna, BCBS, and Anthem. The attorneys contacted the companies and attempted to negotiate with them, but the process was extremely long and was not yielding any results. As is common in many small practices, unpaid claims can often add up and take a significant toll on maintaining a practice and caring for patients.



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[www.aapiusa.org](http://www.aapiusa.org)  
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600 Enterprise Dr., Ste. 108  
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[info@aapiusa.org](mailto:info@aapiusa.org)  
Tax ID: 38-2532505



# AMERICAN ASSOCIATION OF PHYSICIANS OF INDIAN ORIGIN

Due to the increasing delays in the recovery process a civil lawsuit was filed in the Superior Court of California to attempt to recover the owed payments. A few weeks after this civil lawsuit was filed Dr. Ganesh and her family were abruptly awoken by armed FBI agents who broke into their home and arrested them on a sealed indictment. This indictment was later determined to be a criminal lawsuit alleging insurance fraud. It was alleged that Dr. Ganesh had been falsely billing and in fact owed the insurance companies restitution. This is by no means a standard normal channels of communications or process for pursuing such charges.

In a review of these charges, it must be noted that Medicare and Medicaid, as well as any governmental insurance institutions declined to participate in this lawsuit and reported that they found no discrepancies in Dr. Ganesh's billing and had no concerns of fraud. After much discussion over the billing practices of Dr. Ganesh and her practice, the prosecutors, with no warning, produced 40,000 patient records, EOBs, graphs, tables, and paper trails. All these documents were evidence generated solely by the Insurance companies that she had made claims against. Some of the alleged evidence that had been provided dated back to before Dr. Ganesh was even a doctor, let alone in the country.

Despite this mountain of alleged evidence there was not a single shred of evidence that Dr. Ganesh had made a claim for any of these monies. Most crucial being an HCFA 1500 form with Dr. Ganesh's signature. This is the only form that can prove that Dr. Ganesh made any claim for the monies alleged. This form does not exist in the court records and therefore is nowhere in the alleged evidence that was presented at the case.

The alleged evidence that was used to wrongfully convict Dr. Ganesh was clearly manufactured by the insurance companies since every document submitted was from their own records that they solely controlled/produced. The person(s) that manufactured this evidence made several sloppy mistakes such as leaving claims dating back to 1988 and 8888(?). In 1988 Dr. Ganesh would have been 17 years old and had not even started her medical career. This/These person(s) were never produced in court, nor did they testify under oath, and due to that could never have been cross examined.

**Without this document all the other documents are meaningless, especially because they can all be easily manufactured. An HCFA 1500 form is the document required to make any insurance claim for monies. There has not been a single case of prosecution in the history of this country's healthcare laws where a signed HCFA 1500 form from a doctor initiating the claim has not been shown as proof. The reason for this is because without that form the rest of the documentation means nothing and can be falsified.**

It is unclear where this alleged "mountain" of evidence came from, and the person that produced / manufactured them was never interviewed or seen in court. The entire case is based on clearly FAKE data and lacks the crucial document that has been present in EVERY SINGLE healthcare fraud case EVER prosecuted.



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# AMERICAN ASSOCIATION OF PHYSICIANS OF INDIAN ORIGIN

In a nutshell:

**No HCFA form 1500 signed by Dr. Ganesh was ever shown in all the paperwork throughout the court case and in any documentation. No HCFA Form except a new unsigned one was found in a subsequent search of the case files by a defense attorney.**

This case should have been immediately thrown out of court since the only fraud that was committed in this case was by the Insurance companies for manufacturing false evidence and the Government for using clearly fake data.

**NO SIGNED HCFA 1500 form = NO CASE!!**

The judge and the 9th circuit went against their own precedents and convicted her to sixty-three months of prison time starting November 10/2021.

Several years ago, this problem was discussed at the Justice Department. Mr. Eric Holder outlined a memo (see attached) which gave specific guidelines to be followed in prosecuting physicians in healthcare cases.

None of these guidelines were followed in this case. We the physicians of AAPI are very concerned that if this can happen to a person like Dr. Ganesh, with an unblemished record, then it can happen to anyone. It is causing our members a great deal of concern and worry. Several members have considered leaving the medical profession if this is going to continue.

AAPI upholds the public interest as its prime objective and promotes most ethical practices in the best interests of patients at all time by its member physicians and doesn't condone any type unethical or illegal conduct by the physicians. This case has been thoroughly reviewed by our AAPI Ethics and Grievance Committee and it was felt this case merited a fresh review by AG office due to appearance of some grave omissions and commissions by prosecuting team and judiciary. Hence, we are requesting you to please review the case and further look into this matter.

We are requesting you to issue a stay order on the execution of her sentencing date which is set for November 10 2021, pending a complete review of this matter including the use of this type of evidence.

Sincerely,

Anupama Gotimukula, MD  
President, AAPI

Suresh Reddy, MD  
Chair  
AAPI Ethics & Grievance Committee

Rakesh Chandra, MD, JD  
Advisor  
AAPI E&G Committee



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Tax ID: 38-2532505

## Physician Just Equity



— *Championing a Balanced Resolution* —

---

November 2, 2021

The Honorable Ms. Elena Kagan  
Supreme Court of the United States of America  
1 First Street NE  
Washington DC 20543

**RE: Dr. Vilasni Ganesh (U.S. v Ganesh, No. 5:16-cr-0211 (LHK), N.D. Cal., San Jose Division)**

Dear Justice Kagan:

We are writing in solidarity with Vilasni Ganesh, MD, her family, and the other professional organizations American Association of Physicians of Indian Origin (AAPI), Federation on Indian American Physicians (FIPA), and the Association of American Physicians and Surgeons (AAPS) advocating for her.

Physician Just Equity (“PJE”) is a national advocacy organization that provides support for physicians and surgeons who encounter work-related injustices. PJE is aware of an injustice involving Dr. Vilasni Ganesh. We write on behalf of the organization requesting an evidentiary hearing to investigate this injustice.

Letters from other professional organizations (AAPI 10/21/21, FIPA 10/25/21, and AAPS 10/26/21) have outlined more details about Dr. Ganesh’s legal case. Therefore, what follows is a brief synopsis:

Dr. Ganesh had a primary, urgent, and acute care private practice in Northern California until she was investigated and indicted by the DOJ in 2016. At that time the State of California’s Department of Consumer Affairs (DCA) had no concerns about her medical practice (letter from investigator Ralph Hughes on 7/27/17 and California Medical Board Physician and Surgeon Record 11/19/18 attached). Accordingly, Dr. Ganesh was a vital and successful physician in her community, caring for thousands of patients who not only relied on her for their primary, urgent, and acute care health needs, she was also personally revered.

All her nonlegal attempts to collect reimbursements for numerous patient care services during regular, after hour urgent care, and emergency admitting services to several hospitals over time failed. Therefore, leaving Dr. Ganesh with no recourse other than to seek legal assistance from healthcare civil litigation attorneys to collect past due reimbursements. She was subsequently retaliated against due to the implications of many unpaid claims over time, starting with a DOJ investigation for fraudulent billing and money laundering and ending with a 63-month prison



sentence. Dr. Ganesh was sentenced on acquitted charges and based on the presumption of wrongdoing without substantiating evidence.

We put forth that Dr. Ganesh was never afforded a fair and impartial trial based on a violation of her Sixth Amendment rights. She and her attorney have recently uncovered new evidence which has a high likelihood of exonerating her. We are requesting an urgent evidentiary hearing based on the discovery of crucial new evidence. Timing is of the utmost importance as Dr. Ganesh is scheduled to surrender for her 63-month federal prison sentence on November 11<sup>th</sup>, 2021. Apart from being a beloved physician to many in her community, Dr. Ganesh is the mother of young children and primary support for her aged mother. We urge you to please consider reviewing her case.

Respectfully,

*Pringl Miller*

Pringl Miller, MD, FACS  
Founder & Executive Director  
Physician Just Equity  
[founder.physicianjustequity@gmail.com](mailto:founder.physicianjustequity@gmail.com)

Roberta Gebhard, DO  
Advisory Board  
Physician Just Equity  
AMWA President 2019-2020 | AMWA Governance Chair 2021-2022

Karyn Butler, MD, FACS, FCCM  
Board of Directors  
Physician Just Equity

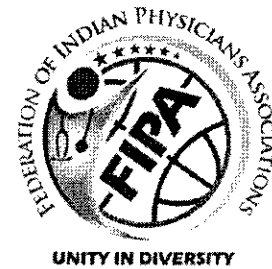
cc:  
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# FEDERATION OF INDIAN PHYSICIANS ASSOCIATIONS



10/25/2021

To Honorable Judge Elena Kagan  
Supreme Court Justice,  
Washington DC.

**Subject: Request for Careful urgent review of Dr. Vilasini Ganesh case**  
Honorable Judge Elena Kagan,

We as physician group association, wish to bring to your urgent notice a case of serious injustice to a physician. Dr. Ganesh, formerly a Family Practice Physician from Saratoga, California. She is facing 63 months of imprisonment for the possible allegations of fraudulent Insurance payments for patient care, from Aetna and Blue Cross/ Anthem.

In the trial of this case the prosecutor submitted medical insurance claims that were not related to Dr. Belcher or Dr. Ganesh. They were not patients of Dr. Belcher or Dr. Ganesh. Not only did the government seek admission of these source spreadsheets (over the objection of the defendants), the government used the spreadsheets containing irrelevant data as evidence of crimes committed by the defendants, argued in closing arguments to the jury that the irrelevant spreadsheets were evidence of crimes committed by the defendants thereby encouraging convictions on multiple counts for both defendants, and the government continues to utilize the irrelevant source spreadsheets to compute its "alleged loss amounts" for the purpose of sentencing.

In addition to the government's presentation of literally thousands of completely irrelevant insurance claims, the government also introduced into evidence, argued to the jury and used spreadsheets containing claims that were never submitted by Dr. Ganesh or Dr. Belcher. ***The denial of even having an attorney of her choice during hearing, violated her 6th Amendment Rights, while the false evidence led to her conviction.*** The long legal proceedings over seven years, bankrupted her financially, revoked her right to practice medicine to earn her living, evicted her family from her home to become destitute without belongings.

She and her physician husband have even been denied staggered Prison sentences so that their little children and the Octogenarian mother of Dr. Ganesh, can face a fate of not having home and destitute. Seeking Justice is a citizen's right, that must be restored in this case without delay.

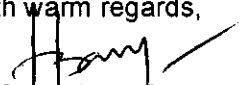
We would like the Attorney General's office and the concerned legislative Judiciary Committees to immediately respond and intervene here, to allow impartial examination review of the evidence submitted by defense lawyers.

We sincerely request you for urgent review of case and early response from your good offices, as November 10th, 2021, is the day when Dr Ganesh has to turn herself in as per sentencing by judge based on seriously questionable hearing process and even possible fraudulent evidence. If this review needs additional time, please grant interim stay for her upcoming imprisonment date.

We believe, your office which is highest office in the country to uphold the law and work on the principle that no one who is not guilty beyond reasonable doubt, should ever be punished. We request that you kindly consider this appeal for an urgent independent review and order new trial based on true evidentiary hearing and interim stay on sentencing until this happens.

Thank you in advance with anticipation of your swift intervention.

With warm regards,

  
Executive Committee, Board of Trustee and Members of  
Federation of Indian Physicians Associations.

The Honorable Justice Elena Kagan  
United States Supreme Court  
Washington, DC

November 2, 2021

Subject : Improper Judicial Conviction of Dr. Vilasini Ganesh  
Case no. US vs Ganesh. No. 5:16-cr-0211 (LHK), N.D.Cal.,  
San Jose Division

Dear Honorable Justice Kagan,

We join our colleagues across the country, to bring to your attention the egregious miscarriage of justice, that was meted out to Dr. Vilasini Ganesh, on whose behalf this letter is submitted.

Dr. Ganesh, formerly a Family Practice Physician from Saratoga, California, is facing 63 months of imprisonment for the simple audacity of attempting to collect duly owed Insurance payments for patient care, from Aetna and Blue Cross/ Anthem. This marks the start of this epic saga in 2013 that has now culminated in her facing a prison sentence of 63 months in an ironical but cruel inversion of justice. For attempting to collect her dues legally, she landed in the cross hairs of a well orchestrated vendetta by the giant Insurance corporations working closely with the US Department of Justice .

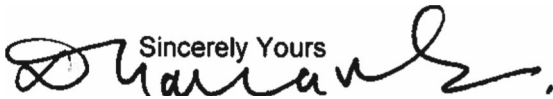
The 8 year ordeal has now ended tragically, for this well loved family physician and her husband with three young children and an elderly mother. The successful retribution has led to Dr. Ganesh and her husband, being criminally indicted for " fraudulent billing" charges, a conviction obtained by the prosecutors and Department of Justice California, with synthesized evidence from masses of fabricated billing data, that belonged, neither to her, nor to her practice. There is plentiful evidence and expert testimony that could have easily established this truth, but for the minor matter, that she never got an evidentiary hearing in the 9th Circuit Federal Court in California. Nor was she allowed to change her attorney, who had failed to represent her with due care.

The denial of even having an attorney of her choice, violated her 6th Amendment Rights, while the false evidence led to her conviction. The long legal proceedings bankrupted her financially, revoked her right to practice medicine to earn her living, evicted her family from her home to become destitute without belongings, staring at a Prison term. She and her physician husband have even been denied staggered Prison sentences so that their little children and the Octogenarian mother of Dr. Ganesh, can face a fate that satisfies the bloodlust of the prosecutors. Dr Ganesh's prison sentence is from gross miscarriage of Justice, that can be established in any reasonable legal proceeding. Not only the prosecutorial misconduct, defies credulity, but the Judiciary's deaf and blind dismissal of due process, warns citizens, that, we the people, may indeed be losing the Republic, that Benjamin Franklin challenged us to keep in 1787. There are also hints that the conduct of the proceedings in court may have considered Dr. Vilasini Ganesh and her husband to be unequal citizens before the law.

We do not believe this saga to be one of human error. We know it to be a concerted effort at precedence setting vengeance, to chill physicians and citizens through judicial inquisition.

Seeking Justice is not a request, it is a citizen's right, that must be restored in this case without delay. Beyond that, all of us, have to be assured further, that prosecutorial and Judicial conduct in this case will face scrutiny and the due process of applicable law. It would be a disgrace to think of this note, as a plea for clemency of any kind. Far from it- It is citizens asking the people they have employed and chosen to govern the country, to meet their obligations and be answerable.

We would like the Hon'ble Court to respond and intervene here, to allow impartial examination of the evidence, to serve justice. Citizens losing faith in their government and governance, bespeaks a moribund republic, that needs resuscitation. Persecuted physicians cannot be compassionate healers. The Citizen-State compact likewise, rests on loyalty and duty towards each other. To do the needful, please find enclosed} a summary of the events and some supporting documents. We are seriously, looking forward to an early response from your good offices. as November 10th, 2021 is the day when Dr. Ganesh loses her freedom, and the rest of us, our faith.

Sincerely Yours  


Devabrata Ganguly, MD Paris Texas  
Ragini Ganguly MD, Paris, Texas  
Subroto Gangopadhyay, MD Houston Texas  
Janie Wood RN, Bogata Texas  
Candace Russell FNP, Powderly, Texas  
Koren Allen, FNP, Paris, Texas  
Robbie Lynne Purvis, Clarksville, Texas  
Roberta Villalobos, Clarksville Texas  
Alice Cox, MD, Paris Texas  
Dorothy Cox, Paris Texas

Copy: Honorable Senator Ted Cruz Texas, Senate Judiciary Committee Honorable  
Congressman Patrick Fallon, Texas 4th.

# Exhibit 5

# Exhibit 5

MEDICAL BOARD OF CALIFORNIA PHYSICIAN SURGEON RECORDS

LICENSING DETAILS FOR: A 80087

NAME: GANESH, VILASINI

LICENSE TYPE: PHYSICIAN AND SURGEON A

PRIMARY STATUS: LICENSE RENEWED & CURRENT

PUBLIC RECORD ACTIONS

ADMINISTRATIVE DISCIPLINARY ACTIONS

COURT ORDER (NO RECORDS)

MISDEMEANOR CONVICTION (NO RECORDS)

PROBATIONARY LICENSE (NO RECORDS)

MALPRACTICE JUDGMENT (NO RECORDS)

HOSPITAL DISCIPLINARY ACTION (NO RECORDS)

ISSUED WITH PUBLIC LETTER OF REPRIMAND (NO RECORDS)

ADMINISTRATIVE CITATION ISSUED (NO RECORDS)

ACTION TAKEN BY OTHER STATE/FEDERAL GOV (NO RECORDS)

ARBITRATION AWARD (NO RECORDS)

MALPRACTICE SETTLEMENTS (NO RECORDS)

ADDRESS OF RECORD (REQUIRED)

555 KNOWLES DR

SUITE 200

LOS GATOS CA 95032-1549

SANTA CLARA COUNTY

MAP

ISSUANCE DATE

AUGUST 7, 2002

EXPIRATION DATE

SEPTEMBER 30, 2019

CURRENT DATE / TIME

NOVEMBER 19, 2018

3:00:10 PM

Exhibit 6

Exhibit 6



**RASSIK**  
COMPLETE RECOVERY INC

November 5, 2021

The Honorable Lucy H. Koh  
United States District Court  
Northern District of California

Re: United States v. Ganesh  
5:16-cr-0211 LHK

Dear Judge Koh,

I have over 40 years' experience as a psychiatrist and I also possess a juris doctorate degree. I have had the opportunity to meet with Dr. Ganesh in person and have also met with her mother and three children via Zoom.

The children are doing poorly. Raymond, who is now 15, Rea who is now 13 and David who is now 12 all appeared to be very subdued and regressed. The past five and a half years have taken a substantial toll on their mental health. This began when they saw the FBI break into their home and arrest their parents. Their struggles continued throughout the trial, the appeal and through the present stress where they face the undisputed uncertainty of having both parents taken from them. Each of them appears to be suffering from Post-Traumatic Stress Disorder.

The oldest child, Raymond, was in particularly bad shape. He told one of his teachers at school that he wanted to die as he could not cope with the situation regarding his parents. He previously had psychotherapy during the trial but is not currently on medication or seeing a therapist. Rea presented as very quiet and shy, and she was extremely withdrawn for a child her age and would not interact but kept her face down most of the time we talked. When asked how she was doing, she became very tearful. David, the youngest child, did not talk at all. His parents report that he stops talking and eating because he is overwhelmed and on multiple occasions, he has wet the bed.

I am particularly concerned that these children have been put through a lot for no fault of their own. Regardless of what their parents have done, or not done, they are victims of this situation and are extremely vulnerable. I believe that if both parents are incarcerated these children will really go in a downward spiral and may end up having severe psychological issues which could be severe enough to require hospitalization. At a minimum, they need to be seen by a therapist and placed on medication as soon as possible.

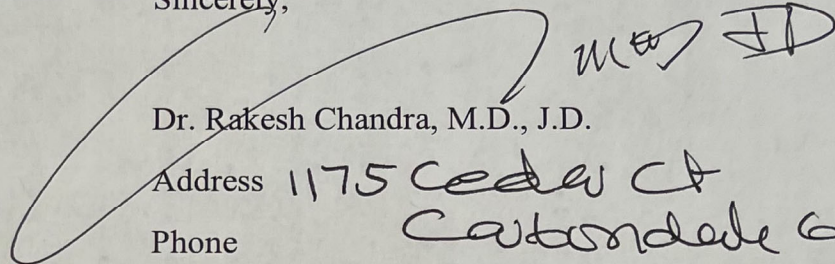
I would implore the court to reconsider its position on staggering the sentences of Dr. Ganesh and Dr. Belcher. Dr. Belcher has a much shorter sentence. If he can substantially serve his much shorter sentence prior to Dr. Ganesh commencing her sentence it would leave the children with at least one parent for most of the time.





**RASSIK**  
COMPLETE RECOVERY INC

Sincerely,



Dr. Rakesh Chandra, M.D., J.D.

Address 1175 Cedar Ct  
Carbondale 62901

Phone 618-201-6996