

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
GOVERNMENT EMPLOYEES
INSURANCE COMPANY, et al.,

ORDER

Plaintiffs,

12 CV 4424 (RJD)(VVP)

- against -

JACOB ESSES, M.D., et al.,

Defendants.
-----X

In his September 27, 2013 Report and Recommendation, ECF No. 89, Magistrate Judge Viktor V. Pohorelsky recommends that the Court grant the motion of plaintiffs Government Employees Insurance Co., GEICO Indemnity Co., GEICO General Insurance Co., and GEICO Casualty Co. for entry of default judgment against defendants Servio Calderin, M.D., Americana Management, Inc., Bonafide Billing Services, Inc., Rafael Antonio De La Cruz-Gomez, M.D., Frederick Whitehouse, Vladimir Geykhman, Heidi Gonzalez, and Prestige Bilcom, Inc. for common law fraud, unjust enrichment, and violating the Racketeer Influenced and Corrupt Organizations Act (“RICO”). 18 U.S.C. §§ 1961–1968.

The Report and Recommendation further recommends that plaintiffs be awarded tremble damages under RICO, pursuant to 18 U.S.C. § 1964(c). Because the damages awarded under RICO wholly compensate plaintiffs, and those damages are trebled, plaintiffs are not entitled to damages on the common law fraud or unjust enrichment claims. The recommended treble damages are as follows:

- 1) \$813,207.00 against Vladimir Geykhman, Heidi Gonzalez, Servio Calderin, M.D., Rafael Antonio De La Cruz-Gomez, M.D., Prestige Bilcom, Inc., and Bonafide Billing Services, Inc., for which they are jointly and severally liable;

- 2) \$135,886.47 against Heidi Gonzalez, Servio Calderin, M.D., and Bonafide Billing Services, Inc., for which they are jointly and severally liable;
- 3) \$445, 101.06 against Vladimir Geykhman individually; and
- 4) \$98,993.55 against Frederick Whitehouse and Americana Management, Inc., for which they are jointly and severally liable.

No objections have been filed to the Report and Recommendation, and defendants' time to do so has expired.

Having considered the papers submitted in support of plaintiffs' motion and Magistrate Judge Pohorelsky's comprehensive analysis, the Court adopts the Report and Recommendation without reservation. Accordingly, the Court grants plaintiffs' motion for entry of a default judgment against defendants and awards plaintiffs damages as described above.

The Clerk of the Court is directed to enter judgment accordingly.

SO ORDERED.

Dated: Brooklyn, New York
November 5, 2013

/s/ Judge Raymond J. Dearie


RAYMOND J. DEARIE
United States District Judge