

No.

In The Supreme Court of the United States

**In re Hollie Lundahl
Petitioner**

Addressed to: Justice Sonia Maria Sotomayer

**PETITIONER'S
EMERGENCY MOTION TO STAY TRIAL OF UNITED
STATES V. HOLLI LUNDAHL, CASE NO. 20-CR-48-J
PENDING BEFORE USDC- WYOMING**

**until the court has heard Defendant's
PRE-TRIAL APPLICATION FOR WRIT OF HABEAS
CORPUS – NOT TO STAND TRIAL - SCHEDULED
FOR 10/13/2020**

Hollie Lundahl
P.O. Box 9262
Rapid City, SD 57709
801-791-4805
hollilundahl@gmail.com

COMES NOW Petitioner Holli Lundahl to move for an emergency stay order of United States States District Court felony criminal prosecution of USA v. Holli Lundahl, case no. 20-CR-48-J now pending before the United States District Court for the District of Wyoming until this court can hear Petitioner's now **THIRD TIME SUBMITTED** Pre-trial Application for Writ of Habeas Corpus which Petitioner is now sending to this Court directly as restricted delivery given three clerks of this court have deliberately and intentionally obstructed Defendant's prior submissions to this court either by concealing the filings (tracked in some instances) or by returning Petitioner's prior submission of an **ORIGINAL PETITION** on 9/22/2020 as over the page limits in violation of Rule 17 attached hereto as exhibit 24 and which does not set a page limit to Original Petitions under FRCP.

Petitioner cannot seek relief in the lower courts because as the exhibits attached hereto show, the trial judge is acting as a fourth prosecutor against Petitioner, and the 10th circuit completely disregards all avenues of relief sought by Petitioner based on a profound animosity that exists between Petitioner and the courts due to a 25 year Government harassment and abuse scheme exercised against Petitioner subject to Petitioner whistle-blowing on a major drug conglomerate in 1991 that exercised excessive control over NIOSH and the US Labor Department to the public's profound injury.

Petitioner's Pre-trial writ of Habeas Corpus goes into a summary history of that whistle-blowing activity which has resulted in the Government prosecuting Defendant in succession for a period of over 25 years for alleged felony violations (this now being the 18th prosecution), has resulted in Petitioner being pre-trial detained for more than 13 years on all of these prior sham prosecutions until Petitioner prevailed on same and procured effective dismissals with prejudice, and has caused Petitioner continued physical injury.

Petitioner seeks dismissal with prejudice of the underlying criminal

prosecution for a number of reasons, not the least of which includes the uncontested fact that there is no subject matter jurisdiction to proceed on the charges. This motion considered in pari materia with Petitioner's Habeas Corpus Writ will show how the Government fabricated and falsified the charges from the outset during a 6 year sting operation in order to bring now this 18th felony prosecution against Petitioner over a 25 year period.

This exceptional nature of this motion and the referenced Pre-trial Application for Writ of Habeas Corpus are based on the fact that the Government is purporting to rush this case to trial and thereby MOOT Petitioner's jurisdictional claims not to stand trial and effectively suspend the Great Writ as applied to Petitioner. Attached hereto as exhibit 1 is Case Authority that concludes that when the Government seeks to suspend application of the Writ of Habeas Corpus, that the Petitioner will have stated extra-ordinary Constitutional grounds for granting a motion for stay.

Attached hereto as exhibit "27" is the trial court's order denying Petitioner/Defendant's motion to dismiss the criminal charges. Pay particular attention to the highlighted points. Attached hereto as exhibit "19" is the PACER marked Notice of Filing of Petitioner's (second time submitted to this court) Application for Writ of Habeas Corpus filed before the 10th circuit COA in conjunction with Petitioner's Interlocutory appeal of the dismissal order at exhibit "27" attached. The next day, the 10th circuit in violation of the Constitution granted the Government's motion to dismiss Petitioner's interlocutory Appeal and ignored Petitioner's stay motion in that Court. See exhibit "18" attached hereto. Thereafter the trial court entered a text order denying Petitioner's motion to stay all proceedings in the trial court. See exhibit "20" attached.

Summary History of this Case

1. On or about March or April of 2014, Chief Judge Scott Skavdahl entered a contempt order against Defendant and her sister identified as “ML” in the pleadings (the disabled participant of the Self-Directed Home and Community Based Waiver Program under section 1915(c) of the Social Security Act) decreeing ex parte that ML did not have cancer and that Defendant and ML lied about ML’s cancer diagnosis to defeat a collection claim on a small insurance judgment. Over the next 4 years, Wyoming Medicaid would spend more than \$2 million on direct medical care for ML.

2. In early January of 2014, ML would start her aggressive treatment of a stage 4 invasive metastatic cancer diagnosis at the Huntsman Cancer center in Salt Lake City Utah. Both ML and Petitioner lived on a family owned trailer in the parking lot of the U of U, specially designated as living accommodations for persons seeking day to day treatment at HUNSTMAN, for a period of nearly 7 months and were not aware of any waiver program in Wyoming at that time.

3. Submitted before the Wyoming Grand Jury as GJ exhibit “15” on March 18, 2020, was a Medicaid HCBS Waiver Address form identifying Petitioner as the Authorized Representative for ML when neither Petitioner nor ML even knew about this waiver program. See exhibit “3” attached hereto. This false and fabricated record would justify the Government bringing a Medicaid fraud indictment against Defendant 6 years later as shown in exhibit “2” attached hereto and which asserts that Defendant knew she was an Authorized representative under the program and therefore committed fraud by acting as both a Subcontractor and Independent Contractor personal assistant service worker to her sister ML pursuant to exhibit “6” attached hereto, 42 CFR § 441.480 (a) (3).

4. Not only was ML never determined to have the inability to self-direct PAS (personal assistance services) as required under 42 CFR § 441.480 (a) (3), to become a mandated representative, Petitioner would have had to sign a

PO 5 form found at exhibit “5” attached and which provides the definition of a representative as:

A representative is the person designated to make health care decisions in an “Advance Health Care Directive” and/or Durable Power of Attorney for HealthCare” document.

It is undisputed that ML does not now nor has she ever had an Advanced Health Care Directive and that Defendant has never been appointed as a Durable Power of Attorney for Health Care in any legal document.

5. Defendant and ML started the HCBS Self-Directed Program in 2016. Defendant was identified at ML's caregiver by a Medicaid coordinator in an interview with the Government. See exhibit “7” attached.

6. The state Medicaid officials had to make application to the federal government to get HCBS section 1915(c) funds for the caregiver program. In their application, the federal government emphasized the self -directing nature of the program and the Participant's rights to control their workers (plural emphasis added). See exhibit “8” attached hereto.

7. To obstruct Defendant's ability to rely on any of her past records which were memorialized to her computer AFTER Defendant's seizure, the Government sent Defendant a computer virus which wiped out and destroyed the hard drive and all documents on Defendant's computer. See exhibit “9” attached hereto.

8. Consequently Defendant was committed to reconstructing a time card for herself on services rendered to ML in November of 2019. The Government objected to Defendant's reconstruction of the time card – while never denying that they had sent Defendant a computer virus to force Defendant rely on the Government's evidence solely in her defense. See exhibit “10” attached hereto.

9. The Government provided as part of their discovery, a petition to

Judge Skavdahl (referenced supra) by their Investigator Bell of various Subpeonas signed by Judge Skavdahl to obtain Defendant's bank records on March 2, 2020. See exhibit 11 attached hereto.

10. Defendant demanded via email that the Government produce the signed subpoenas to Defendant as Subpoenas issued in violation of the Right to Financial Privacy Act. Refer back to exhibit "9" attached, headline of email and to Defendant's second demand to issue the executed subpoenas in another email as exhibit "12" attached.

11. As soon as Defendant made her second demand, the Government filed a deceptive motion into the court record to release the Grand Jury Transcript so that Defendant could access the after the fact fabricated grand jury subpoenas. See exhibit "13" attached.

12. The Grand jury documents were produced to Defendant 4 weeks later AFTER the Government had the opportunity to do some CYA work. Defendant pulled one of the Grand Jury Subpoenas as a means of showing backdating of official process by officers of the court. See exhibit "14" attached. Defendant draws this court's attention to the delay order sent with the Subpoenas and reportedly signed by Judge Skavdahl on February 27, 2020 and date stamped as March 2, 2020 – to give the false impression that it was delay orders signed by Judge Skavdahl on March 2, 2020 and not subpoenas as represented in exhibit "11" attached. The same Subpoenas were sent to every bank the same day on March 2, 2020 AFTER they were date stamped by the clerk of the court. If one looks at the last page of exhibit "14" attached, which comprised the fourth set of discovery served upon Defendant in late August of 2020, the custodian of the bank reconstructed a receipt letter indicating that she received a full grand jury subpoena on February 26, 2020 from the AUSA. How is that possible when Judge Skavdahl did not sign the delay order until February 27, 2020 (the day after the SDT was reportedly received) and the

orders were not stamped as issued until March 2, 2020. The Government had clearly procured a witness to join their activity of backdating court process.

13. The problems did not stop there. Exhibit "15" attached has print dates on the bank records for the years May 30, 2017, April 18, 2018 and 4/16/2019, anywhere between one to three years before the Grand Jury even met on March 18, 2020 for a 1 hour and 15 minute session before executing the Indictment against Defendant. See exhibit "16" attached for the full term of the grand jury session as starting at 10:06 am and ending at 11:27 am when the Indictment was prepared by the Government for the head foreman to sign. What was clear by the more than 2500 pages of bank records dumped on the grand jury was that the banks had been producing Defendant's and other third persons bank records to federal authorities annually and on an ongoing basis since May of 2017 in violation of Defendant's and other persons rights to financial privacy, and clearly could not have been fresh bank records subject of the back dated grand jury proceedings.

14. The foregoing transcript also included testimony by the Government's investigator that Defendant dumped all of the stolen money from two workers SL and SB into Defendant's bank accounts identified as Great Western and Dakota Bank.

14. Exhibit "17" attached shows that the custodian of records affidavit stating that neither SL, SB or ML were part of Defendant's Great Western Bank account nor did they make any transactional deposits. Following is the single statement for Dacotah Bank showing that account open for 45 days before it was closed due to an informational subpoena submitted by Investigator Bell in June of 2016.

**Defendant/ Petitioner will be supplementing this
reconstructed motion to stay to get it to court on time with
the remainder exhibits making up this motion.**

Dated: September 25, 2020



HOLLI Lundahl

Certificate of Service and Compliance

Petitioner above certifies that she served the foregoing reconstructed motion on the government by first class mailed on or about September 25, 2020 and that this motion comprises 2014 words, 14 pt font in Century expanded font type.

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

USAMA J. HAMAMA, et al.,

Petitioners,
vs.
REBECCA ADDUCCI,
Respondent.

Case No. 17-cv-11910
HON. MARK A. GOLDSMITH

OPINION & ORDER REGARDING JURISDICTION

This case pits the power of Congress to control the jurisdiction of the federal courts against the Constitution's command that the writ of habeas corpus must be preserved. Both sides in this clash are right, in part. The Government is correct that Congress meant to strip federal district courts of jurisdiction to entertain the kind of habeas claims that Petitioners assert here challenging their repatriation to Iraq. But Petitioners are correct that extraordinary circumstances exist that will likely render their habeas claims meaningless, unless this Court intervenes to stay their deportation while review of their removal orders proceeds before the immigration courts and the courts of appeals.

This Court concludes that to enforce the Congressional mandate that district courts lack jurisdiction — despite the compelling context of this case — would expose Petitioners to the substantiated risk of death, torture, or other grave persecution before their legal claims can be tested in a court. That would effectively suspend the writ of habeas corpus, which the Constitution prohibits.

The Supreme Court has instructed, "It must never be forgotten that the writ of habeas corpus is the precious safeguard of personal liberty and there is no higher duty than to maintain it

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FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2020 MAR 18 PM 4:11

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

HOLLI TELFORD LUNDAHL, a/k/a
Holli Lundahl, a/k/a Holli Telford,
a/k/a Hollie Lundahl, a/k/a Hollie
Telford, and a/k/a Holly Lundell,

Defendant.

No. 20 CR 48-J

Cts 1-3:

18 U.S.C. § 1347 and § 2
(Health Care Fraud and Aiding
and Abetting)

Cts 4-5:

18 U.S.C. § 1028A(a)(1) and § 2
(Aggravated Identity Theft)

INDICTMENT

THE GRAND JURY CHARGES THAT:

WYOMING MEDICAID

1. Wyoming Medicaid is a joint federal and state government program that pays for medical care for some low-income and medically needy individuals and families in the state of Wyoming. Therefore, it is a health care benefit program as defined by 18 U.S.C. § 24(b).

2. The Centers for Medicaid and Medicare Services (CMS), an agency of the United States Department of Health and Human Services, funds state Medicaid programs, including Wyoming Medicaid. CMS issues rules and regulations which govern Wyoming Medicaid and other state Medicaid programs.

allegedly performed for M.L. by S.L. when, as the Defendant then well knew, S.L. had not performed the alleged services.

8. It was further part of the scheme and artifice to defraud Medicaid that Defendant **LUNDAHL** falsely submitted the name, date of birth, social security number, driver's license number, government issued identification, and signature of S.B., a person known to the grand jury, to Wyoming Medicaid as M.L.'s service provider

9. It was further part of the scheme and artifice to defraud Medicaid that Defendant **LUNDAHL** submitted, and caused to be submitted, to Wyoming Medicaid claims for services allegedly performed for M.L. by S.B. when, as the Defendant then well knew, S.B. had not performed the alleged services.

10. It was a further part of the scheme and artifice to defraud Medicaid that Defendant **LUNDAHL** falsely applied to Wyoming Medicaid as a service provider for M.L. when, as the Defendant then well knew, Defendant was M.L.'s **authorized representative**, had acted as M.L.'s **authorized representative under the Medicaid program**, and was **therefore not permitted by Wyoming Medicaid to be M.L.'s service provider**.

11. It was further part of the scheme and artifice to defraud Medicaid that Defendant **LUNDAHL** submitted, and caused to be submitted, to Wyoming Medicaid claims for services allegedly performed for M.L. by Defendant when, as the Defendant then well knew, the submitted claims contained false information.

owned by and under the custody and control of Wyoming Medicaid, in connection with the delivery of and payment for healthcare benefits, items, and services; that is, the Defendant submitted or caused to be submitted direct support services claims which the Defendant knew contained false and fraudulent information, including that S.B. rendered direct support attendant services to M.L.

In violation of 18 U.S.C. § 1347 and § 2.

COUNT THREE

16. Paragraphs 1-11 are re-alleged for purposes of charging Count 3.

17. Beginning on a date known to the grand jury, but no later than April 9, 2019, and continuing through at least on or about January 31, 2020, in the District of Wyoming, Defendant **HOLLI TELFORD LUNDAHL a/k/a Hollie Telford Lundahl, a/k/a Holli Lundahl, a/k/a Holli Telford, a/k/a Hollie Lundahl, a/k/a Hollie Telford, and a/k/a Holly Lundell**, did knowingly and willfully execute a scheme and artifice to defraud Wyoming Medicaid and to obtain by means of false and fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of Wyoming Medicaid, in connection with the delivery of and payment for healthcare benefits, items, and services; that is, the Defendant submitted or caused to be submitted direct support services claims which the Defendant knew contained false and fraudulent information.

In violation of 18 U.S.A. § 1347 and § 2.

COUNTS FOUR AND FIVE

On or about the dates specified below, in the District of Wyoming, Defendant **HOLLI TELFORD LUNDAHL a/k/a Hollie Telford Lundahl, a/k/a Holli Lundahl, a/k/a Holli**

PENALTY SUMMARY

DEFENDANT NAME: **HOLLI TELFORD LUNDAHL, a/k/a Holli Lundahl, a/k/a Holli Telford, a/k/a Hollie Lundahl, a/k/a Hollie Telford, and a/k/a Holly Lundell,**

DATE: **March 16, 2020**

INTERPRETER NEEDED: **No**

VICTIM(S): **Yes**

OFFENSE/PENALTIES:

Cts: 1-3 **18 U.S.C. § 1347 and § 2**
(Health Care Fraud and Aiding and Abetting)

0-20 Years Imprisonment
NMT \$250,000 Fine
NLT 3 Years Supervised Release
\$100 Special Assessment

Cts: 4-5 **18 U.S.C. § 1028A(a)(1) and § 2**
(Aggravated Identity Theft)

2-4 Years Imprisonment – NLT 2 Years Consecutive to Any Sentence for Counts 1-3
NMT \$250,000 Fine
1 Year Supervised Release
\$100 Special Assessment

TOTALS: **2-64 Years Imprisonment**
Up To \$1,250,000 Fine
NLT 3 Years Supervised Release
\$500 Special Assessment

AGENT: **Terrance Bell, MFCU/DCI**

AUSA: **Travis J. Kirchhefer, Special Assistant United States Attorney**

ESTIMATED TIME OF TRIAL: **1 to 5 days**

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Change Case Info

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Wolff, John (John Wolff) 0226013
Wolff, John (John Wolff) 0226020

2400000

14000

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1

62

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14

Authorized Representative

四庫全書

A rectangular stamp with a black border. Inside, the words "GRAND JURY" are written in a bold, sans-serif font, with "EXHIBIT" on the line below. In the bottom right corner, the number "15" is printed. The entire stamp is rendered in a high-contrast, black-and-white halftone pattern.

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1 MR. KIRCHHEFER. Yes you did?

2 GRAND JUROR. I have a question. Do you have to
3 fill out any forms to be the authorized representative?

4 WITNESS. I'm not exactly sure about that. I'm
5 assuming you do. Everything within the program is labor
6 intensive and they dot every i and cross every t. But I
7 can't remember the exact form.

8 GRAND JUROR. Okay.

9 GRAND JUROR. In the Holli Lundahl application
10 package, Exhibit 16, on the identification that's provided
11 from her -- was it South Dakota resident driver's license?
12 Looks to be origin date in 2018.

13 MR. KIRCHHEFER. You're in Exhibit 16?

14 GRAND JUROR. Yes, sir.

15 MR. KIRCHHEFER. What page are you on, sir?

16 GRAND JUROR. I guess it's an attachment to the
17 I-9. There's no page number or anything.

18 WITNESS. Okay. I see what you're talking about.
19 All right.

20 GRAND JUROR. Photocopy of the driver's license.

21 WITNESS. Yes, sir.

22 GRAND JUROR. So that date and the document would
23 imply residency inconsistent with the residency of the
24 recipient of the benefits that we've been discussing? Is
25 that right?

PARTICIPANT-DIRECTED IN-HOME SERVICES OPTION

When choosing the **In-Home Participant-Directed Option**, applicants must demonstrate that they are capable of directing their own care. Determining capability to direct one's own care is **NOT** the same as a determination of competency. Only a court-of-law can determine the decision-making capacity of an individual.



Capability to direct care means that the applicant must be **able and willing** to accept and perform the roles and responsibilities of an employer. Accepting and performing all the required responsibilities of an employer is a serious undertaking. Participants must clearly understand what they are agreeing to and willingly accept that role. It is the role of the Case Manager to support, train, and guide the participant in becoming a successful employer. *The individual is not capable of directing his/her own care if:*

- There is a court ruling determining incompetence
- The participant has dementia or cognitive impairments that prevent effective communication, understanding, or evaluation of performance of tasks

Participant Capability Definition

Decision-making capability refers to an individual's ability to make an informed decision. It is possible for individuals to retain capability in some areas of their lives (treatment decisions etc.) but not in others (managing finances).

For participants that do not successfully meet the "Participant Capability" criteria, there is an additional option to consider. If the recipient has a legally valid Advance Health Care Directive (Power of Attorney for Health Care) in place **prior** to the determination of capability and the authorized representative meets specific criteria, the authorized representative may, in the participant's place, participate in the Participant Directed Care option. An authorized representative must meet all responsibilities of the employer listed below and must attend the monthly evaluation meeting.

To request this option, the authorized representative must complete the following:

- Request for Review of Authorized Representative Status form (PDO-5)
- Authorized Representative Review form (PDO-6)
- Provide a copy of the Advance Health Care directive or Power of Attorney

Responsibilities of an employer include:

- Work with the case manager to ensure appropriate and necessary services are included in the participant plan of care
- Understanding and follow program requirements
- Writing a job description for the employee(s)
- Developing a work schedule based on authorized service units

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**Wyoming
Community Choices
Home and Community Based Service Waivers**

Participant Directed Care Option

Request for Review of Authorized Representative Status

Name of Participant: _____

Name of Proposed Representative: _____

Address: _____

Phone #: (_____) _____ **Relationship:** _____

How often do you have contact with the participant?

Do you receive money from the participant or anyone else to care for the participant?

Yes: _____ No: _____

If yes, please identify the source and purpose of the funds?

Do you understand your functions and responsibilities as the participant's representative?

Yes: _____ No: _____

Do you understand that you cannot pay yourself for this role and cannot become a paid employee under this option?

Yes: _____ No: _____

I have attached a copy of the "Advanced Health Care Directive" and/or "Durable Power of Attorney for Health Care" which document my authority as an alternative decision maker for health care options.

By signing below you are stating that if approved by the Department, you will serve in this capacity.

Signature of Proposed Representative

Date

DEFINITION:

A representative is the person designated to make health care decisions in an “Advance Health Care Directive” and/or Durable Power of Attorney for HealthCare” document.

A representative must:

- **Be willing and able to assume responsibility for all activities required of Participant Directed Care Option.**
- **Live in adequate proximity to the participant to assure you are available to respond in person to employee issues or needs of the participant.**

A representative CANNOT:

- **Be paid for this service.**
- **Delegate or assign responsibilities under this option to another person.**

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Capability to direct care means that the applicant must be **able and willing** to accept and perform the roles and responsibilities of an employer. Accepting and performing all the required responsibilities of an employer is a serious undertaking. Participants must clearly understand what they are agreeing to and willingly accept that role. It is the role of the Case Manager to support, train, and guide the participant in becoming a successful employer. *The individual is not capable of directing his/her own care if:*

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For participants that do not successfully meet the "Participant Capability" criteria, there is an additional option to consider. If the recipient has a legally valid Advance Health Care Directive (Power of Attorney for Health Care) in place **prior** to the determination of capability and the authorized representative meets specific criteria, the authorized representative may, in the participant's place, participate in the Participant Directed Care option. An authorized representative must meet all responsibilities of the employer listed below and must attend the monthly evaluation meeting.

To request this option, the authorized representative must complete the following:

- Request for Review of Authorized Representative Status form (PDO-5)
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- Provide a copy of the Advance Health Care directive or Power of Attorney

Responsibilities of an employer include:

- Work with the case manager to ensure appropriate and necessary services are included in the participant plan of care
- Understanding and follow program requirements
- Writing a job description for the employee(s)
- Developing a work schedule based on authorized service units

6

42 CFR § 441.480 - Use of a representative.

CFR

§ 441.480 Use of a representative.

(a) States may permit participants to appoint a representative to direct the provision of self-directed PAS on their behalf. The following types of representatives are permissible:

(1) A minor child's parent or guardian.

(2) An individual recognized under State law to act on behalf of an incapacitated adult.

(3) A State-mandated representative, after approval by CMS of the State  criteria, if the participant has demonstrated, after additional counseling, information, training or assistance, the inability to self-direct PAS.

(b) A person acting as a representative for a participant receiving self-directed PAS is prohibited from acting as a provider of self-directed PAS to the participant.

42 CFR § 422.402 - Federal preemption of State law.

CFR

§ 422.402 Federal preemption of State law.

The standards established under this part supersede any State law or regulation (other than State licensing laws or State laws relating to plan solvency) with respect to the MA plans that are offered by MA organizations.

[70 FR 4733, Jan. 28, 2005]

CFR Toolbox

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7

Division of Criminal Investigation

Details of Investigation

Case Number: 0620 00 19021

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the rules later changed again and she was then allowed to perform case manager services.

KNEZOVICH said M VI L VI and Holli LUNDAHL then moved to a hotel room located in Rock Springs, Wyoming. KNEZOVICH said by the time they moved to the hotel room that Pat PUNCHES was providing services to M VI L VI. After M VI L VI and Holli LUNDAHL left Rock Springs they moved to Lusk, Wyoming and Wyoming Services for Independent Living would have picked up their services.

KNEZOVICH said she got some feedback about the welfare about M VI L VI from PUNCHES. KNEZOVICH said PUNCHES never mentioned M VI L VI or Holli LUNDAHL asking about a subcontractor scenario. SA Bell obtained contact information for PUNCHES.

KNEZOVICH said she did not recognize the names of Shyanne LUNDAHL or Sara BROWN. KNEZOVICH said PUNCHES still worked in her office and was available for a phone call. SA Bell made arrangements for PUNCHES to call when available.

Interview ended at 10:40 AM.

(INTERVIEW of Pat PUNCHES)

On July 27, 2020, at 10:57 AM, SA Bell received a call from Pat PUNCHES in response to a call placed to PUNCHES. SA Bell was looking for PUNCHES in order to conduct an interview and ask questions about his involvement with Holli LUNDHAL. PUNCHES was a case manager for Wyoming Services of Independent Living that provided a case manager services for M VI L VI when she lived in Rock Springs, Wyoming.

The copy of the interview recording was downloaded and placed in the MFCU electronic case file. Below is a summary of the interview. It is not intended to be a verbatim account and does not memorialize all statements made during the interview.

PUNCHES said he worked with M VI L VI and Holli LUNDHAL. PUNCHES knew M VI L VI was a Medicaid recipient and Holli LUNDHAL was the caregiver for M VI L VI. PUNCHES estimated the time frame to be January to July of 2016.

Report Date	Report of:	Reviewed by & Date:
07/28/2020	SA T. Bell V34	7/30/2020

8

Application for a 1915(c) Home and Community-Based Services Waiver

PURPOSE OF THE HCBS WAIVER PROGRAM

The Medicaid Home and Community-Based Services (HCBS) waiver program is authorized in 1915(c) of the Social Security Act. The program permits a State to furnish an array of home and community-based services that assist Medicaid beneficiaries to live in the community and avoid institutionalization. The State has broad discretion to design its waiver program to address the needs of the waiver's target population. Waiver services complement and/or supplement the services that are available to participants through the Medicaid State plan and other federal, state and local public programs as well as the supports that families and communities provide.

The Centers for Medicare & Medicaid Services (CMS) recognizes that the design and operational features of a waiver program will vary depending on the specific needs of the target population, the resources available to the State, service delivery system structure, State goals and objectives, and other factors. A State has the latitude to design a waiver program that is cost-effective and employs a variety of service delivery approaches, including participant direction of services.

Request for an Amendment to a 1915(c) Home and Community-Based Services Waiver

1. Request Information

A. The State of Wyoming requests approval for an amendment to the following Medicaid home and community-based services waiver approved under authority of 1915(c) of the Social Security Act.

B. Program Title:

Assisted Living Facility Home and Community Based Services Waiver

C. Waiver Number: WY.0369

Original Base Waiver Number: WY.0369.

D. Amendment Number: WY.0369.R03.02

E. Proposed Effective Date: (mm/dd/yy)

09/01/16

Approved Effective Date: 09/01/16

Approved Effective Date of Waiver being Amended: 07/01/14

2. Purpose(s) of Amendment

Purpose(s) of the Amendment. Describe the purpose(s) of the amendment:

To transition all current participants to the Community Choices Waiver(0236) at their renewal or during an amendment to their plan with all participants transitioned and closing the ALF waiver by June 30, 2017.

3. Nature of the Amendment

A. **Component(s) of the Approved Waiver Affected by the Amendment.** This amendment affects the following component(s) of the approved waiver. Revisions to the affected subsection(s) of these component(s) are being submitted concurrently (*check each that applies*):

Component of the Approved Waiver	Subsection(s)
<input checked="" type="checkbox"/> Waiver Application	
<input checked="" type="checkbox"/> Appendix A 1915(c) Waiver Administration and Operation	
<input checked="" type="checkbox"/> Appendix B 1915(c) Participant Access and Eligibility	
<input checked="" type="checkbox"/> Appendix C 1915(c) Participant Services	
<input checked="" type="checkbox"/> Appendix D 1915(c) Participant Centered Service Planning and Delivery	
<input checked="" type="checkbox"/> Appendix E 1915(c) Participant Direction of Services	
<input checked="" type="checkbox"/> Appendix F 1915(c) Participant Rights	

by the State to document these items.

Sub-assurance a: The quality assurance desk/site reviews are recorded in the database

The Home Health Agencies appreciate the use of technology and the immediate feedback report at the end of the

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input checked="" type="checkbox"/> Weekly
<input checked="" type="checkbox"/> Operating Agency	<input checked="" type="checkbox"/> Monthly
<input checked="" type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input checked="" type="checkbox"/> Other Specify:	<input checked="" type="checkbox"/> Annually
	<input checked="" type="checkbox"/> Continuously and Ongoing
	<input checked="" type="checkbox"/> Other Specify:

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Service Plans that are currently non-operational.

No

Yes

Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix E: Participant Direction of Services

Applicability (from Application Section 3, Components of the Waiver Request):

Yes. This waiver provides participant direction opportunities. Complete the remainder of the Appendix.

No. This waiver does not provide participant direction opportunities. Do not complete the remainder of the Appendix.

CMS urges states to afford all waiver participants the opportunity to direct their services. Participant direction of services includes the participant exercising decision-making authority over workers who provide services, a participant-managed budget or both. CMS will confer the Independence Plus designation when the waiver evidences a strong commitment to participant direction.

Indicate whether Independence Plus designation is requested (select one):

Yes. The State requests that this waiver be considered for Independence Plus designation.

No. Independence Plus designation is not requested.

Appendix E: Participant Direction of Services

E-1: Overview (1 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Services

Services: Check services the participant is receiving, describe the service satisfaction and that the Case Manager has verified that service provider has provided the service on the plan

Area Assessed	Indicate the level of satisfaction with services using the following: E= Excellent S= Satisfactory P= Poor	Additional Comments (If level of satisfaction is Poor, what changes to the plan can be made)	Mark with an X if verification of the service was completed	How was this verified? (i.e. Written verification from provider, CNA notes, SN notes, utilization record in EMWS)
Case Management	WIL	E		Marti
Personal Care Attendant				
Respite Care				
Home Delivered Meals				
Lifeline Installation				
Lifeline Monthly	High Country	E		Test
Non-Medical Transportation				
Adult Day Care				
Skilled Nursing				
Direct Services Worker	Sara, Holly	E		Marti
Fiscal Management	Aces\$	E		Marti
Assisted Living Facility				

Please check all that apply:

- PERS Unit physically checked that it is working properly Yes No
- Direct Service Worker Logs and Timesheets checked by case manager Yes No
- Participant directed Back-up plan reviewed Yes No
- Update/changes made to Back-up plan Yes No

Additional Comments/Concerns:

All services are going well.

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holli lundahl <hollilundahl@gmail.com>

re summons you illegally served on various banks and sending me a virus to destroy my pleadings

holli lundahl <hollilundahl@gmail.com>

Fri, May 29, 2020 at 7:26 AM

To: Thomas Diggins <Thomas_Diggins@fd.org>, eric.kelderman@usdoj.gov

[REDACTED]

Also, you had someone send me a virus through an odd site that reached my email without going through spam and which destroyed my litigation files on [REDACTED]

[REDACTED] As I just received confirmation from the IT expert with federal public defenders office that my files are not reparable. This is to let you know that the government is not immuned from any misconduct under the Computer Fraud and Abuse Act. As soon as I obtain the smoking gun that shows a direct connection from your office re these destroyed files, I will be bringing an action against you. [REDACTED]

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travis.kirchhefer@wyo.gov

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 20-CR-048-F

HOLLI TELFORD LUNDAHL,

Defendant.

GOVERNMENT'S SUR-REPLY TO DEFENDANT'S MOTION TO DISMISS

The United States of America, by and through Assistant United States Attorney Eric Heimann and Special Assistant United States Attorney Travis Kirchhefer, files this sur-reply to the Defendant's motion to dismiss. Nothing in the Defendant's never-ending stream of supplements and declarations helps her motion or changes the government's positions or arguments. We file this sur-reply only to inform the Court that the Defendant has included a false and altered exhibit in one of her pleadings in support of her motion.

On August 3, 2020, the Defendant filed a *Declaration of M.L. in Support of: Defendant's Reply Response and Supplement to her Reply Response*, Doc. 73. Exhibit 1 includes what is

under S.L.'s name (even though she didn't provide any services to M.L.) that included four hours on November 10, 2019, from 7-11 pm and four hours on November 11, 2019, from 7-11 pm. On the latter date, M.L. was incarcerated in South Dakota. The Defendant's alterations to Exhibit 1's time card make it appear (falsely) that an amended time card was submitted to Medicaid long before this case was charged. The Defendant made these misleading alterations to Exhibit 1 the day before she filed it with this Court; therefore, her clear intention was to mislead this Court.

WHEREFORE, for the reasons previously stated in the government's opposition (Doc. 67), the Defendant's motion to dismiss should be denied. The government defers to the Court any sanctions against the Defendant for the transparent fraud described herein.

DATED this 5th day of August, 2020.

MARK A. KLAASSEN
United States Attorney

By: /s/ Eric J. Heimann
ERIC J. HEIMANN
Assistant United States Attorney

By: /s/ Travis J. Kirchhefer
TRAVIS J. KIRCHHEFER
Special Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of August, 2020, the foregoing was electronically filed and consequently served on the Defendant and standby counsel.

/s/ Vicki Powell
For the United States Attorney's Office

11/30/2019
from Marti Lundahl

TO ACCESS FINANCIAL Fax # 888-297-4115

RE PARTICIPANT # X332, MARTI LUNDAHL

Please be advised that on 11/29/2019, my Independent Contractor worker Shyanne Lundahl received payment for a full week worth of services from November 9, 2019 to November 15, 2019.

On November 22, 2019, I faxed in an amended time sheet for that service week and which corrected the hours of services performed by my back-up service worker Holli on November 10, 2019 and took out services for the day of November 11, 2019 as I was not available to receive services on that day. This corrected time sheet is re-attached hereto.

As afresaid stated, I note that on 11/29/2019 you paid my independent contractor "IC" Shyanne Lundahl for services on November 11, 2019 when my amended claim form crossed out that service date.

ACCESS owes my IC Shyanne for one day of services not previously paid. Please do not distribute payment to Shyanne for that one day of back owed service and we will consider it a wash for the day you paid services on November 11, 2019 when I was not available to receive services on that day.

Respectfully,



Marti Lundahl



ACES\$ Financial Management Services Wyoming
Email Timesheet to: timesheetsWY@mycif.org
Fax Timesheets Toll-Free to: 877-226-7118

Need Help? Call us!
Toll-Free: 844-500-3815

11/22/2018

**See Timesheet Instructions
for Service & Task Codes**

Employer Signature

Date

Date

I certify and affirm that this timesheet is an accurate representation of services rendered by the named employee to the named supervisor. Misrepresentation or false statements may result in administrative penalties, criminal prosecution and/or termination from the program.

11

Division of Criminal Investigation

Details of Investigation

Case Number: 0620 00 19021

Page 1

(SEARCH WARRANT)

On March 2, 2020 SA Bell received approved subpoenas from United States District Court, District of Wyoming to request bank documents from America First Bank, Black Hills Federal Credit Union, Dacotah Bank, Great Western Credit Union, and Trona Valley Federal Credit Union signed by Chief Judge S. Skavdahl.

On March 2, 2020 Paralegal Wells forwarded the subpoenas to the points of contact listed on the application by fax or by email. SA Bell completed the proof of service for each institution and forwarded it to Paralegal Wells for entry into the NFCU network files. Paralegal Wells entered the FaxFinder Successful printout into the MFCU network files.

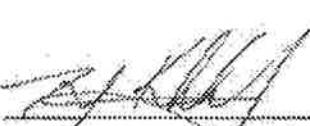
On March 2, 2020 Paralegal Wells forwarded the proof of service documents to the Clerk of the United States District Court, District of Wyoming.

(STATUS / DISPOSITION)

Open

Reviewed by:

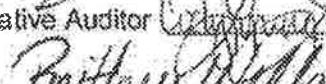
Travis Kirchhefer, MFCU Director

 Date: 4/2/20

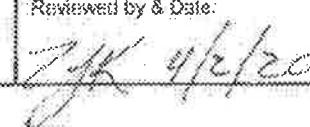
Cody Livingston, MFCU Investigative Auditor

 Date: 3/30/2020

Brittney Wells, MFCU Paralegal

 Date: 3/30/2020

Joint MFCU Staff review conducted on: 4/7/2020

Report Date	Report of:	Reviewed by & Date:
03-03-2020	SA T. Bell V34	 4/2/20

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holli lundahl <holllundahl@gmail.com>

att travis.

holli lundahl <holllundahl@gmail.com>

Wed, Jul 29, 2020 at 8:43 AM

To: Gay Woodhouse <gay@wrnlawfirm.com>, "AG Medicaid.Fraud" <ag.medicaid.fraud@wyo.gov>

Travis, attached is the copy of the subpoenas you requested from Judge Skavdahl. Please provide a full actual copy of each of these subpoenas and your responses to my giglio demands. Thx



Virus-free. www.avast.com

[Quoted text hidden]



03242 - subpoenas issued by skavdahl for all banks.pdf
594K

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 20-CR-048-F

HOLLI TELFORD LUNDAHL,

Defendant.

GOVERNMENT'S MOTION TO RELEASE GRAND JURY MATERIALS

The United States of America, by and through Assistant United States Attorney Eric Heimann and Special Assistant United States Attorney Travis Kirchhefer, requests an order authorizing the release of grand jury subpoenas and transcripts to Defendant Holli Lundahl. In support thereof, the government offers the following.

On March 18, 2020, the grand jury charged Defendant Lundahl with three counts of healthcare fraud in violation of 18 U.S.C. § 1347 and two counts of aggravated identity theft in violation of 18 U.S.C. § 1028A(a)(1). *Indictment*, Doc. 1. At arraignment, the government objected to the release of grand jury transcripts. The Defendant asked to represent herself. (Doc. 25.) This

Court granted the Defendant's request and appointed standby counsel. (Doc. 38.) The Defendant's jury trial is scheduled to begin on September 29. (Doc. 65.)

The Defendant has requested grand jury subpoenas issued during the course of the investigation. (The government previously disclosed the records returned in response to the subpoenas.) The government needs to release grand jury transcripts as they include discoverable witness statements. "The court may authorize disclosure—at a time, in a manner, and subject to any other conditions that it directs—of a grand-jury matter: ... in connection with a judicial proceeding...." Fed. R. Cr. P. 6(e)(3)(E)(i). On this authority, the government requests an order authorizing the release of grand jury subpoenas and transcripts, and an order prohibiting the Defendant and standby counsel from revealing the contents of the grand jury material outside this proceeding.

DATED this 31st day of July, 2020.

MARK A. KLAASSEN
United States Attorney

By: */s/ Eric J. Heimann*
ERIC J. HEIMANN
Assistant United States Attorney

By: */s/ Travis J. Kirchhefer*
TRAVIS J. KIRCHHEFER
Special Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of July, 2020, the foregoing was electronically filed and consequently served on the Defendant and standby counsel.

/s/Vicki Powell
For the United States Attorney's Office

14

UNITED STATES DISTRICT COURT
for the
DISTRICT OF WYOMING

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Great Western Bank
3405 N. Louise Avenue, Sioux Falls, SD 57107
Phone: (800) 952-2043

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: Ewing T. Kerr Federal Courthouse 111 S. Wolcott Casper, Wyoming 82602-5010	Date and Time: March 16, 2020 at 8:00 a.m.
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You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

See Attachment

- * Questions regarding the requested records should be directed to: Special Agent Jennifer L. McGrath, 307-433-3219
- * Questions regarding compliance by the above date should be directed to: Kelli Valerio, (307) 772-2124
- * In lieu of personal appearance, records must be sent to the US Attorney's Office ATTN: Kelli Valerio (email: kelli.valerio@usdoj.gov), P.O. Box 668, 2120 Capitol Avenue, Room 4002, Cheyenne, WY 82003

Date: February 26, 2020

CLERK OF COURT



[Signature]
Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

TRAVIS KIRCHHEFER
Special Assistant United States Attorney

2120 Capitol Avenue
Room 4002
Cheyenne, WY 82001
Phone: (307) 772-2124

REQUEST FOR GRAND JURY SUBPOENA

ATTACHMENT FOR GRAND JURY SUBPOENA – Great Western Bank

The items requested by this grand jury subpoena include any and all records, whether in hard copy or electronic form, in your company's custody or control (including any subsidiaries or related entities) which are related to any and all accounts and credit cards:

A. For the following account number: All records relating to account number [REDACTED] 4400 with bank routing number [REDACTED] 8734 maintained at Great Western Bank.

B. For the following individuals:

MARTI LUNDAHL: (dob: [REDACTED] 1964, ssn: [REDACTED]-8826)

aka: Marti Telford, Marti Telford Lundahl

HOLLI LUNDAHL: (dob: 05/27/1956, ssn: 562-94-7210)

aka: Holli Telford, Hollie Telford, Hollie Lundahl, Holli Telford Lundahl

SHYANNE LUNDAHL: (dob: [REDACTED]/1994, ssn: [REDACTED]-7625)

aka: Shyanne Marie Lundahl

SARA BROWN: (dob: [REDACTED]/1999, ssn: [REDACTED]-9594)

aka: NA

C. And any other account holder or signor associated with the aforementioned account numbers or individuals

It is requested that the following be produced:

1. Account opening documents for any checking, savings, and credit card accounts, including applications, signed account agreements, signature cards, and copies of any identification used to open an account.
2. Complete bank statements for checking, savings, and credit card accounts showing any transaction between the opening of the above-identified accounts and the present date.
3. Any photographic, audio and/or video recording of any transaction described in, or documented by, any of the records described in this attachment.
4. State and federal tax forms, including but not limited to Form 1099's.
5. Copies of all records including lease agreements, entry slips, and ledgers of any safe deposit boxes contracted for by any person/entity related to any of the above-described accounts.
6. All correspondence.
7. All automated teller machine transactions.
8. Wire transfers and all debit and credit memos.
9. All deposit tickets and items (both sides and showing endorsements, if any).
10. All canceled checks (both sides and showing endorsements).
11. All loan, credit and debit card applications and monthly statements.
12. All cashier's checks, money orders, and wire transfers.
13. All account records, documents, and account information.

RECORD FORMAT: It is preferred that records be produced in electronic form.

NOTE: If you have questions concerning this subpoena, feel free to contact Special Agent Terrance Bell at 307-777-8666 or Kelli Valerio at the U.S. Attorney's Office at 307-772-2990 regarding the submission of these records.