

Susan Chan Chow (deceased) and Lindsey Chow, *et al.*
1662 ½ Cortez Street
Los Angeles, California 90026
310-728-9909
Plaintiffs in Pro Per in Original Action

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION

SUSAN CHAN CHOW, an individual
LINDSEY CHOW, an individual
Plaintiffs in Pro Per

vs.

VERITY HEALTH SYSTEM OF CALIFORNIA
(Owner & Operator of St. Vincent Medical Center
– Parent Company)

Case No.: 2:18-bk-20151-~~BB~~ **BB**

Chapter 11

RESPONSE BASED UPON **CORRUPT**
OPINION OF UTTERLY DESPICABLE ORDER
UPHELD *EN BANC* BY S.C.T. of California,
Denied Certiorari by U.S. Supreme Court EVERY
COURT IN THIS CASE **WITH EXCEPTION**
OF BANKRUPTCY COURT REWARDED
TORTURE & FORCED DEATH OF ELDERLY
HENRY CHOW ON MEDICARE **WITHIN**
DEFINITIONS OF DOMESTIC TERRORISM

*Statutes of Limitations of Ten (10) Years for
Above Federal Crimes is Still Open*

***** REQUEST REASONABLE DELAY TO
SEE IF NEW ADMINISTRATION WILL
PROSECUTE**

DATE: JANUARY 8, 2025

TIME: A.M.

PLACE: COURTROOM 1568

HONORABLE JUDGE ~~ERNEST M. ROBERTS~~ **B.B.**

**RESPONSE AND REQUEST TO DELAY SINCE STATUTE OF LIMITATIONS IS OPEN TO
ADD OTHER ACTIONS TO THIS COMPLEX CASE
TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

NOTICE IS HEREBY GIVEN that, on JANUARY 8, 2025, or soon thereafter as the matter may
be heard, in Department 1568 of this court, located at 255 East Temple Street, Los Angeles, California

90012, Plaintiffs will, and hereby does, respond AND OPPOSE QUICK DISTRUBUTION DUE TO
UNRESOLVED ISSUES to Verity Health System of California's Motion to close out matter.

HENRY CHOW'S RIGHTS TO HIS BODY AND OUR RIGHTS AS HIS
SURVIVING CHILDREN WERE **DEPRIVED FROM US UNDER THE COLOR
OF LAW AND DEPRIVATIONS OF EQUAL PROTECTIONS** BY TRIAL
JUDGE MONICA BACHNER AND SUBSEQUENT COURTS with exception of
this honorable court AS THESE JUDGES ALL CONSPIRED TO REWARD THE
HEINOUS, TORTURE AND MURDER OF HENRY CHOW AND REWARD
VHS'S FLEEING OF MEDICARE BY 1ST DEGREE MURDER BY INSANE,
UTTERLY VILE OPINION ATTACHED THAT STATE ON **PAGE 10 OF
OPINION** STATES EXPLICITLY THAT INTENTIONAL ACTS OF MURDER ON
HENRY "...**taking Decedent off the ventilator are irrelevant** to her burden in
opposing Defendant's motion for summary judgment, for which she must submit
expert testimony..." THE LAW DOES NOT ALLOW ASPHAXIATION OF
PATIENTS AND THESE VILE JUDGES SUPPORTED THIS DEPRAVED,
CRIMINALLY, SICKO CLAIM THAT ACTS TO DENY OXYGEN "ARE
IRRELEVANT"!!!! THIS PROVES THESE JUDGES HAVE DENIED
NUMEROUS OTHERS THEIR RIGHTS UNDER THE CONSITUTION AND
RULE OF LAW. NOBODY NEED A MEDICAL EXPERT TO CLAIM THAT
OXYGEN IS NECESSARY TO CONTINUE LIVING.

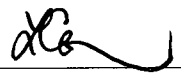
Unfortunately, your granting Our Reliefs from Stays from VHS did not result in justice.

You were *THE ONLY* judge to choose to uphold the Constitution and all American Laws from
Federal, to State Laws to Professional Regulations governing the practice of specialized knowledge such

as laws controlling how Respiratory Care Practitioners and Nurses and Doctors can lawfully treat their patients.

The Opinion that is ATTACHED AS EXHIBIT NUMBER ONE (#1) proves You have been the ONLY JUST, RIGHTEOUS, TRUSTWORTHY JUDGE TO UPHOLD THE RULE OF LAW FROM SUPREME LAW OF THE LAND, THE CONSTITUTION, TO FEDERAL AND STATE LAWS AND OTHER MANIFOLD REGULATIONS CONTROLLING PRACTICE OF MEDICINE.

Dated: 1/7/2025


Lindsey Chow, Plaintiff in Pro Per

NOT NECESSARY
William Chow, Plaintiff in Pro Per

MEMORANDUM OF POINTS AND AUTHORITIES

OPINION attached as Exhibit #1 is clear that oppressive judges from Monica Bachner to Second Appellate Court Division 7 has chosen to COVER UP their OBSTRUCTION OF JUSTICE to DESTROY THE TRUTH FROM COMING TO THE LIGHT AND PUBLIC KNOWLEDGE. This is proven by the fact that it stated "Do Not Publish in Official Reports" at the very top of the Opinion. The instruction to not publish is to prevent INFORMATION SHARING WHICH IS THE FIRST PILLAR OF HOW NSC AND our government plans on understanding to respond to any threats to our democracy and national security which is intertwined. This Opinion is a BOMBSHELL OF DEPRAVITY, GRATUITOUS CRUELTY, and LAWLESS EVIL. This cesspool of LAWLESSNESS WAS MATERIALLY SUPPORTED by CALIFORNIA'S SUPREME COURT UNDER CHIEF JUSTICE TANI-SAKAUYE WITH FULL BENCH. If the American People ever wondered who are the corrupt, evil actors destroying our rule of law and democracy without scant regard for laws protecting US

Citizens, THE OPINION ATTACHED HEREIN PROVES SUCH UNSPEAKABLE CORRUPTION
IN CRIMINAL SUPPORT BY **MALFEASANCE OF OFFICE**.

I. OPINION IS WITHIN DEFINITION OF DOMESTIC TERRORISM

A. Opinion rewards VIOLENCE & MURDER OF INNOCENT LIFE

*B. Opinion uproots, replaces and violates EVERY LAW ON THE BOOKS, EVERY
LEGISLATIVE GOVERNANCE*

*C. Opinion expresses criminally insane and sociopathic, psychopath ideology – not to mention
depraved indifference to human life, and moral turpitude/ deficiency*

*D. Opinion rewards DEVOURING OF MEDICARE, government agency paid by Taxpayers that
is RICO (Racketeering and Corrupt Organization) and devouring of human lives*

E. Opinion opposes governing institutions and just plain, outright CRAZY

*F. Opinion proves a conspiracy of judges whom has no concern in trampling upon every
American Law passed to protect The Public*

Opinion supports anti-government violent extremist ideology because on page 10 it states
concerning the unplugging of ventilator oxygen and denial of lawful care that “whether it was
intentional murder versus negligence” is one of those things that “irrelevant”.

Let that sink in, in all its depraved, vile, despicable ramifications. This was upheld, rewarded
and materially supported through every court and even the United States Supreme Court. The first
degree murder of Henry Chow, whom was on Medicare Advantage, was for all intents and purposes
rewarded and supported by every judge/justice touching this matter in its procedural history WITH THE
EXCEPTION OF HONORABLE ERNEST ROBLES (whom we victim’s family will esteem all the
days of our lives... ok, I, Lindsey Chow, cover you in prayers all seasons of your life/your loved ones.
May God always deliver, provide, and uphold you in every way). We were denied SURVIVORSHIP
RIGHTS AS WELL AS EVERY APPLICABLE/RELEVANT CAUSE OF ACTION FROM
WRONGFUL DEATH, ELDER ABUSE TO PUNITIVE DAMAGES AVAILABLE UNDER
LEGISLATIVELY PASSED STATE LAW. Every Court with exception of Bankruptcy Court here has
chosen to materially support Trial Judge Monica Bachner, whom is a monster, as proven by CLAIM IN

1 OPINION THAT “INTENTIONAL MURDER” IS “IRRELEVANT” that means “Of no legal
2 consequence”!

3 Pursuant to National Strategy For Countering Domestic Terrorism June 2021, a publication
4 of US government by The White House and National Security Council, President Joseph Biden Jr.
5 writes a letter to preface, “This National Strategy for Countering Domestic Terrorism lays out a
6 comprehensive approach to addressing the threat while safeguarding bedrock American civil rights and
7 civil liberties – values that make us who we are as a nation.

8 Preserving and safeguarding constitutionally protected expression and freedom of association are
9 national security priorities. Our rights and our historic liberties are an intrinsic part of what makes
10 America strong. So this Strategy is narrowly tailored to focus specifically on addressing violence and the
11 factors that lead to violence – violence that violates the law, threatens public safety, and infringes on the
12 free expression of ideas.

13 We cannot ignore this threat or wish it away. Preventing domestic terrorism and reducing the
14 factors that fuel it demand a multifaceted response across the Federal Government and beyond. (Page 2)

15 This is a project that should unite all Americans. Together we must affirm that domestic
16 terrorism has no place in our society. We must work to root out the hatreds that can too often drive
17 violence. And we must recommit to defend and protect those basic freedoms, which belong to all
18 Americans in equal measure, and which are not only the foundation of our democracy— they are our
19 enduring advantage in the world. (Page 3)

20 **TODAY’S THREAT** (on Page 8)

21 **“Domestic terrorism poses a serious and evolving threat. A provision of Federal law defines**
22 **“domestic terrorism” as “activities that involve acts dangerous to human life that are a violation**
23 **of the criminal laws of the United States or of any State; appear to be intended to intimidate or coerce**
24 **a civilian population, to influence the policy of a government by intimidation or coercion, or to affect**
25 **the conduct of a government by mass destruction, assassination, or kidnapping; and occur primarily**
26 **within the territorial jurisdiction of the United States.”** Over time, domestic terrorism threats in the
27 United States have ebbed and owed, reflected different motivating ideologies, and demanded varying
28

1 governmental responses. Today's domestic terrorism threat, as assessed comprehensively by America's
2 intelligence and law enforcement professionals in early 2021, involves a complex mix of elements.

3 According to this assessment, **one key aspect** of today's domestic terrorism threat emerges from
4 racially or ethnically **motivated violent extremists** and networks whose racial, ethnic, or religious
5 hatred leads them toward violence, as well as those whom **they encourage to take violent action**.

6 (Page 8)

7 PILLAR FOUR CONFRONTING LONG-TERM CONTRIBUTORS TO DOMESTIC
8 **TERRORISM Domestic terrorism can take many forms, inspired by a wide range of violent**
9 **ideologies whose common, dangerous feature is the resort to violence rather than the peaceful**
10 **expression of views and resolution of differences.** Individuals subscribing to violent ideologies such as
11 violent white supremacy, which are grounded in racial, ethnic, and religious **hatred and the**
12 **dehumanizing of portions of the American community, as well as violent anti-government**
13 **ideologies, are responsible for a substantial portion of today's domestic terrorism.** (Page 27)

14 That means tackling racism in America. **It means protecting Americans from gun violence**
15 **and mass murders. It means ensuring that we provide early intervention and appropriate care for**
16 **those who pose a danger to themselves or others.** (Page 27)

17 Brief Recap: After this Court granted Relief from Stays against Verity Health System of
18 California and its subsidiary where Henry Chow was unplugged from ventilator oxygen for over an
19 entire day so his vital signs would deteriorate and he would die so VHS can retake bedspace. Henry's
20 death was torture. He had mental capacity and had to watch in horror as VHS's facility forced him to
21 die as he was RECOVERING FROM SURGERY AND HAD BEEN ABLE TO KICK HIS LEG THE
22 NEXT DAY. HE WAS RECOVERING AND HE LOVED LIFE AND HE DESIRED TO LIVE.
23 THEY KILLED HIM AGAINST HIS WILL. HOWEVER EVERY COURT OTHER THAN THIS
24 HONORABLE COURT AND JUDGE DENIED ME, HIS DAUGHTER AND HIS WIDOW AND
25 SON ANY TYPE OF DAMAGES BY DENYING A JURY TRIAL. THEY ISSUED AN ILLEGAL,
26 VILE, DEPRAVED OPINION INSTEAD.

27 [RELEVANT BACKGROUND & HISTORY OF THESE LAWLESS JUDGES: Two of three
28 Appellate Court Justices graduated from Harvard Law School as did Trial Judge Monica Bachner. Chief

Justice Tani-Sakauye hosted an award ceremony for Judge Perluss (whom graduated from Harvard Law), Judge Gail Feuer (wife of ex-LA City Attorney) graduated from Harvard. These judges “en banc” supported malicious, unlawful, depraved Opinion that “intentional murder” is one of those issues that “are irrelevant”. Then Supreme Court of United States denied certiorari despite Henry’s murder to defraud Medicare is AGAINST CONSTITUTIONAL RIGHTS AND FEDERAL LAWS REGULATING PATIENT CARE AND SAFETY IN HOSPITALS AND ALL MANNER OF STATE AND LOCAL LAWS AGAINST SHEDDING INNOCENT BLOOD.

2. OPINION IS A DEPRAVED BOMBSHELL OF SUPPORTING MURDERING PATIENTS TO DEFRAUD MEDICARE FOR ILLICIT PROFIT

1. DEPRAVITY & CRIMINAL INSANITY OF OPINION CLAIMS “COMMON KNOWLEDGE” EXCEPTION DOES NOT APPLY TO CASE WHEREIN OXYGEN IS A NEED EVERY PERSON HAS NEED OF AND ABILITY TO URINATE WHICH FACILITY DENIED HENRY. Nobody needs to have a medical expert prove a person needs oxygen to survive.

2. PURE MALICE, PURE EVIL, **CRAFT AND DECEIT** IS PROVEN ON PAGE 15 THESE JUDGES ADMIT “**deliberate acts intended to kill Henry (unplugging the ventilator, removing the heart monitor and turning off alarms)**”; and she [Lindsey Chow] suggests, as a consequence, well-established rules governing medical malpractice cases are somehow inapplicable to her lawsuit.

* Let me analyze this for you, although you are too brilliant to need my analysis, please bear with me. These deliberate acts above such as denial of ventilator OXYGEN, and SILENCING ALARMS so no Code Blue can bring staff to save his life – these are ACTS OF 1ST DEGREE MURDER. Their craft and deceit is their lying about these acts being within medical practice. Even the U.D.D.A. law requiring BRAIN DEATH for a hospital to have a right to UNPLUG AND DENY VENTILATOR OXYGEN. Henry was tied up and prevented from escape as they forced him to die. It took over a day – 24 or more HOURS.

* He did not die fast enough to satisfy them. After they broke his body and his eyes were FILLED WITH TERROR AS HE GASPED DESPERATELY TWISTING BEDSHEET TRYING TO FIND ANY COMFORT THAT HIS PENIS WAS EXPOSED, I PLEADED WITH TWO DOCTORS AND NURSE MA LEYBA FOR HELP TO WHICH NURSE LEYBA PUT ANESTHESIA UPON

1 HIM TO PARALYZE HIS LUNGS AND I WATCHED HELPLESSLY AS HE HELPLESSLY
2 FOUGHT FALLING ASLEEP TO HIS DEATH. THEY DENIED EVEN FINAL HOURS. HE DIED
3 WITH TEARS UPON HIS CHEEKS – FLATLINING TWO TIMES BEFORE DYING. THEY
4 WROTE UP A FALSE INSTRUMENT – A FRAUDULENT DNR THAT THEY TRIED TO GET
5 HENRY TO SIGN NUMEROUS TIMES BEFORE BUT HE REFUSED ACCORDING TO MEDICAL
6 RECORDS – SO THEY SIGNED A FALSE ONE AGAINST HIS WILL. THEY CALLED IT LEGAL
7 BECAUSE THEY HAD A DOCTOR SIGN IT AGAINST MY FATHER’S WISHES AND MENTAL
8 CAPACITY. HE WAS THE ONLY ONE AUTHORIZED.

9 3. THESE APPELLATE COURT JUDGES AND TRIAL COURT JUDGE ADMIT **THESE**
10 **ACTS WERE INTENTIONAL** ON PAGE 15. THEY ADMIT THESE MURDEROUS ACTS WERE
11 INTENTIONAL WHICH MEANS HENRY’S DEATH SATISFIES FIRST DEGREE MURDER
12 WHICH IS MURDER WITH MALICE AFORETHOUGHT (lying in wait). On page 15 middle of page
13 these judges state, “As to each, the issue is not whether St. Vincent’s actions were deliberate or
14 accidental – **there is no dispute they were intentional** – but whether they were performed in
15 accordance with the applicable standard of care and, therefore, not tortious or otherwise wrongful.”

16 They cite a negligence case that has no bearing on Henry’s situation. Negligence is accidental
17 whereas Henry’s death was deliberately and intentionally caused by unlawful, illegal unplugging against
18 the wishes of Henry to continue breathing so he can live. In fact the Opinion is full of cases that have no
19 relation and no bearing on facts and nature of Henry’s forced death. Yes I reviewed them and one of
20 them happened to be about a Dollar Store employee and employer dispute. Outrageous. Most of them
21 are about negligent acts causing death. None of them involve intentional acts to ensure a person stops
22 breathing therefore will die and facility can profit.

23 These dishonest judges claim essentially denying oxygen is not wrongful and therefore not
24 wrongful death. You see why Opinion is instructed to not be published because THEY SUPPORT
25 MURDER TO STEAL FROM GOVERNMENT PROGRAM. THEY ARE IN A CONSPIRACY TO
26 REWARD ILLICIT RACKETEERING SCHEME BY WAY OF MURDERING PATIENTS WHOM
27 WANT TO LIVE BUT FACILITY CANNOT WAIT FOR THEM TO DIE. JUDGE BACHNER AND
28 ALL THESE OTHER JUDGES THAN YOU, HONORABLE ROBLES, HAVE NO PROBLEM AND

LOSE NO SLEEP IN MISUSING THEIR OFFICE AND POWER TO COMMIT MALFEASANCE AND CORRUPTION. No wonder Americans have mostly understood the corruption of justice system where justice is trampled upon.

II. DEPRIVATIONS OF RIGHTS UNDER THE COLOR OF LAW & DENIAL OF EQUAL PROTECTION & DEPRAVED OPINION THAT AN INSTRUCTION TO COVER-UP TRUTH (AND THIS CASE AS CASELAW) THESE JUDGES ACT TO DESTROY THE LAW

A. CONSIDERATIONS:

- a. Case history proves that these judges act OUTSIDE THE CONSTITUTION AND LAWS THAT PROTECT AMERICAN CITIZENS by stealing People's Constitutional Rights and Power of Rule of Federal Laws to state laws to protect and defend NATIONAL AND PRIVATE CITIZEN'S INTEREST which means MALFEASANCE OF UTTERLY DEPRAVED NATURE
- b. These judges that upheld Opinion by upholding Trial Court's Rulings to DENY A MURDER VICTIM'S SURVIVORSHIP RIGHTS AND EXTINGUISH HIS CAUSE OF ACTION BY UNLAWFUL USE OR **ABUSE OF LEGAL PROCESS** IS MALFEASANCE OF THEIR OFFICE AND AGENTS OF US GOVERNMENT
- c. These are POLICY DECISION MAKERS IMPOSING THEIR PERSONAL, PRIVATE INTEREST IN DESTROYING THE RULE OF LAW FOR THEIR OWN PERSONAL GAIN WHICH IS IN THIS CASE UPHOLDING A DEPRAVED, VILE JUDGE HER OPINION THAT INNOCENT BLOOD BE REWARDED AGAINST CORPORATE LAW AND HEALTH LAW AND A LAUNDRY LIST OF LAWS BROKEN BY THE OPINION.
- d. These judges were entrusted to execute and UPHOLD THE CONSTITUTION AND OBEY THE LAWS BUT CHOSE INSTEAD TO VIOLATE THE LAWS THEYMSELVES BY USING THEIR OFFICE TO UPHOLD RACKETEERING OF MEDICARE (SOCIAL SECURITY PROGRAM) BY FORCING PATIENTS TO DIE IN HORRIFIC MANNER – rewarding hospitals turning patient care into CRIME SCENE VENUES.

- 1 e. How many scores or hundreds of other patients did their EMPLOYEES SUCH AS
2 MA LEYBA (REGISTERED NURSE), AND THE THREE RESPIRATORY CARE
3 PRACTITIONERS THAT ACTED IN CONCERT TO DENY VENTILATOR
4 OXYGEN also murdered this way? The court system has no right to sweep human
5 lives under the rug as garbage! It is against reason that Henry Chow was the only
6 victim.
- 7 f. Now these murderous employees will face no criminal charges and have gone on to
8 have an OPEN FIELD OF OPPORTUNITIES IN OTHER HOSPITALS TO KILL
9 OTHER PATIENTS. These medical staffers have tasted shedding of innocent blood
10 and innocent patients DO NOT WANT THEMSELVES OR LOVED ONES TO BE
11 VICTIM AS HENRY CHOW – that one day these criminal actors take their lives
12 because LAWLESS OPINION HAS EMBOLDEN their past criminal taking of
13 human life.
- 14 g. Opinion proves to be **ANTI-CONSTITUTION**, ANTI-FEDERAL LAWS, PRO-
15 VIOLENCE, ANTI-HEALTH CARE LAWS AND REGULATION, ANTI-
16 PATIENT RIGHTS AND BODILY AUTONOMY, ANTI- PATIENT SAFETY
17 AND DIGNITY, PRO-CRIMINAL IDEOLOGY, ANTI- ELDER ABUSE
18 STATUTES AND PROTECTION, **ANTI- LICENSING & PROFESSIONAL**
19 **CODES FOR MEDICAL SPECIALISTS** (destroying validity of licensing and
20 ethics) where people are most vulnerable, most afraid for their lives that these
21 judges have no compassion nor justice to protect people when they are at the
22 mercy of strangers in the scariest times of their lives.
- 23 h. **Opinion is PRO MURDER FOR FRAUD BY CRAFT AND DECEIT, AND**
24 **ANTI- VALUE FOR HUMAN LIFE AND FREE WILL**
- 25 i. **OPINION IS IN VIOLATION OF FREE WILL AND OPPRESSION OF**
26 **HIGHEST ORDER AND IRREDEEMABLY DEPRAVITY.**
27
28

1 **III. AN UNFORGIVABLE OPINION THAT DESTROYS CONSTITUTIONAL RIGHTS**
2 **& PROMOTES UNSPEAKABLE VIOLATIONS OF DEFECTIVE NATURE GRATIFYING**
3 **ONLY A DELIGHT IN EVIL BY OPPRESSING OTHERS**

4 *** SEE PAGE 10***

5 This is a direct quotation from page 10 in the top paragraph...

6 "...the court found Lindsey's declaration did not constitute competent evidence: "Plaintiff's
7 arguments in opposition that **Defendant's treatment of Decedent constituted 'intentional**
8 **murder'** as opposed to negligence, **whether conduct of Defendant's staff caused**
9 **Decedent's death**, and arguments relating to the DNR order **and taking Decedent off the**
10 **ventilator are irrelevant** to her burden in opposing Defendant's motion for summary
11 judgment, **for which she must submit expert testimony** in support of her assertions."

12 "Judgment was entered in favor of St. Vincent on July 24, 2020. ..."

13 **BREAKDOWN OF PROFANE, DEPRAVED OPINION**

14 OPINION OF THESE JUDGES are that the acts that constitute 'intentional murder' by willfully
15 denying oxygen to a patient "are irrelevant"!!! Opinion outright violates all human decency, morality,
16 and virtue. They seek to cover-up their personal depravity as they misused their Office in our justice
17 system to support one of their own, another judge, despite the obscenity and depraved arrogance in
18 executing rulings/decisions based upon a personal entitlement to deprive the Rights and value of life of
19 others (whom done them no wrong). They treated human life as disposable and to terrorize an elderly
20 patient as NOTHING for merely their personal bias against me as a pro per.

21 I have never publicly filed this information, but will tell the truth now. During a hearing with La
22 Follette Johnson lawfirm in Judge Bachner's courtroom, La Follette lawyers were asking for original
23 box of Henry's medical records for which THEIR CLIENT HAS ACCESS TO AND DID NOT NEED
24 IT FROM ME, Judge Bachner surprised me in yelling at me by saying, "You are a fraud, you are a
25 fraud; it takes years of education and training to understand the legal system! You are a fraud!" I was
26 in absolute shock. Prejudice and contempt for a Pro Per Plaintiff is something I heard about. But I
27 experienced it from her. No lawyer from the gallery defended me, as they all desired her favor. It was
28 absolutely shocking and there was no court reporter that day to transcribe her words so Judge Bachner

1 felt free to unleash her hatred of me in front of everyone. I could not believe it; my father was
2 murdered. This is an OPEN AND SHUT CASE OF 1ST DEGREE MURDER TO DEFRAUD
3 MEDICARE, I WITNESSED HIS FORCED DEATH, SO DID MY BROTHER, WILLIAM CHOW,
4 AND HIS DEATH DEVASTATED OUR ENTIRE FAMILY. NOTHING CAN BRING HIM
5 BACK. I CRIED TWICE IN HER COURTROOM BECAUSE SHE DENIED ME MOTIONS TO
6 ADD COA'S SUCH AS ELDER ABUSE, AND PUNITIVE DAMAGES BECAUSE IT WAS 1ST
7 DEGREE MURDER. SHE TREATED US LIKE DIRT!

8 My mother, Susan Chan Chow, died without ever seeing justice. Susan had a broken back and
9 was unable to attend hearings in person. Judge Bachner did not accept her doctor's note that my mother
10 may die if she chose to walk and stand with a broken back to attend a hearing. Susan Chow, widow, and
11 I wanted to give 25% of damages to charity as a legacy to Henry Chow, but we were unable to do
12 anything because we were denied all justice all the way up to US Supreme Court. It took six years. You
13 cannot imagine our pain. Susan died after three years of fruitless litigation.

14 I do not include this information as a means to enhance the fact this case deserves justice. The
15 verity of Judge Bachner's hatred of me is something you can decide since she denied to even give us
16 Survivorship Rights because when a murder victim dies, his cause is not abated so murderers are not
17 rewarded, but Judge Bachner indeed rewarded murderers by denying what the LAW ENTITLES US.
18 See her Opinion upheld by every court other than yours, it is absolutely vile to claim intentional murder
19 along with turning off alarms and taking Henry off ventilator "are irrelevant". You know who is telling
20 the truth. Henry's case is a DIRECT EVIDENCE CASE WITH NUMEROUS MEDICAL RECORDS
21 ADMITTING THEY DENIED HIM OXYGEN UNTIL HE TURNED GREY AND DYING. HE DIED
22 WITH TEARS UPON HIS CHEEKS. MY BROTHER WITNESSED IT.

23 I have no need to paint Judge Bachner in a bad light. She has no justice in her heart, and no
24 understanding that people are intelligent.

25 REAL WORLD IMPACT: Henry's case is at most 10% of all forced euthanasia cases, if that.
26 Most of these deaths do not ever get filed into court. Or if they did, they lack the DIRECT EVIDENCE
27 HENRY'S CASE DOES, OR THEY LACK THE OPEN AND SHUT QUALITY OF THE RULE OF
28 LAW HENRY'S CASE HAS. HENRY'S CASE IS EASY TO DECIDE BECAUSE IT IS A BLACK

1 AND WHITE CASE OF 1ST DEGREE MURDER – the torture and murder of my glorious father, whom
2 came from nothing, had no father growing up, grew up skinny with barely anything to eat most days but
3 never did he steal even a piece of bread – everything he had was honestly come by – and he remembered
4 everyone’s names. He spread warmth to others, and he loved his family and his life. He was a sweet
5 person so he was exploited. This world is a more terrible place without people like Henry and with evil
6 judges like Bachner, and the others whom “en banc” supported her. Yet it being a minority of probably
7 scores of patients forced to die when their insurance ran out, and having the quality of clarity of the Rule
8 of Law, these unjust judges whom do not deserve their office when they use it to oppress ruled FOR
9 TOTAL OBLITERATION OF THE RULE OF LAW FROM CONSTITUTION TO STATE LAWS
10 AND REGULATIONS AND SACRED HUMAN RIGHTS. [What can I say? May God avenge for
11 they knew what justice is and refused to execute it for nothing more than a perverse belief they are
12 entitled to the suffering/anguish of others.]

13 First Degree Murder is on the books. Nobody, *but nobody*, needs to submit “expert testimony”
14 for pre-meditative acts to cut off a person’s breathing that is malicious in nature. Otherwise the police
15 would always need an “expert testimony” before they can arrest anyone. Cutting off a person’s ability
16 to breath intentionally was brushed off as “IRRELEVANT”. MIND YOU, I WITNESSED IT. I
17 WITNESSED THE DENIAL OF OXYGEN AND NURSE LEYBA PUTTING ANESTHESIA AS MY
18 FATHER STRUGGLED NOT TO FALL TO HIS DEATH. I SAW HIS TERROR.

19 **IV. BLACK AND WHITE CASE OF FIRST DEGREE MURDER WITH MALICE**
20 **AFORETHOUGHT TO DEFRAUD MEDICARE**

21
22 Henry Chow was insured under Medicare, so his criminal act of unplugging life support on a
23 mentally competent patient whom loves life and did not consent to die (i.e. involuntary euthanasia)
24 constitutes healthcare fraud by way of defrauding Medicare – in **violation of 18 U.S.Code §1347** that
25 states:

26 (a) Whoever **knowingly and willfully executes**, or attempts to execute, **a scheme or artifice—**
27

28 (1) to **defraud any health care benefit program**; or

1 (2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of
2 the money or property owned by, or under the custody or control of, any health care benefit
3 program, in connection with the delivery of or payment for health care benefits, items, or
4 services,...; and if the violation results in death, such person shall be fined under this title, or
5 imprisoned for any term of years or for life, or both.
6

7 Since they committed acts to force Henry Chow's death by a group of employees or agents of the
8 facility, this was in extreme disregard to American Laws and in violation of 18 U.S.C. §1349 (Attempt
9 and conspiracy). How Henry Chow died proves the subsidiary is a criminal enterprise because
10 euthanasia is a violation of 42 U.S. Code, Chapter 138 §14401 forbidding Federal Funds for illegal
11 activities such as euthanasia. Title 42 is "The Public Health and Welfare" title for U.S. Code and
12 Chapter 138 §14401 Finding and purpose [states explicitly]: (a) Findings Congress finds the
13 following: (1) The Federal Government provides financial support for the provision of and
14 payment for health care services, as well as for advocacy activities to protect the rights of
15 individuals.
16

17 (2) Assisted suicide, euthanasia, and mercy killing have been criminal offenses throughout
18 the United States and, under current law, it would be unlawful to provide services in support of
19 such illegal activities.
20

21 (4) Congress is not providing Federal financial assistance in support of assisted suicide,
22 euthanasia, and mercy killing and intends that Federal funds not be used to promote such activities.
23

24 (b) Purpose

25 It is the principal purpose of this chapter to continue current Federal policy by providing
26 explicitly that Federal funds may not be used to pay for items and services (including assistance)
27
28

1 **the purpose of which is to cause** (or assist in causing) the suicide, **euthanasia**, or mercy killing **of any**
2 **individual.**

3 **CONCLUSION**

4
5 I, Lindsey Chow, witnessed it. I ended up with PTSD for several years, daily experiencing
6 flashbacks. Nobody who is a just and good person *should ever have to suffer the anguish I had to*. Then
7 these vile monsters on every court WITH EXCEPTION OF THIS HONORABLE COURT & JUDGE
8 denied me justice, essentially claiming my father's life is worth *ZERO*. They exponentially intensified
9 my anguish when I spent 6 years with tears drying on my face and with panic attacks filed
10 motions/oppositions/responses/appeals etcetera, and they did abused their power in such a demonic
11 manner.

12 May God execute his justice as deep as the sea against them for their gratuitous cruelty and
13 insisting human life is worth zero and they are entitled to the suffering of those whom done them no
14 wrong. What trail of destruction they leave behind them! I never understood the concept of eternal hell
15 until I met or experienced the damages these evil judges wrought. The eternal damage and ripple effects
16 of denying people necessary justice.

17 I declare under penalty of perjury under the laws of the State of California that the foregoing is
18 true and correct.

19 Dated January 7, 2025

20
21 

22
23 Lindsey Chow, Plaintiff in Pro Per
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DECLARATIONS OF LINDSEY CHOW

I, Lindsey Chow declare:

I received The Dentons' motion on behalf of Verity Health System of California the Monday of Christmas week of last year.

It gave me almost no time to prepare a thoughtful response, since holidays caused closures of certain places such as the law library. Hence, I am sorry this Response is my worst writing.

It is however important that I file OPINION on my father, Henry Chow's Wrongful Death, Elder Abuse case. The Opinion is a bombshell of deep depravity, obscene entitlement to oppress. It is Exhibit number 1 and Exhibit number 2 is a government publication on Domestic Terrorism because when every court and every judge with the EXCEPTION OF THIS HONORABLE COURT AND HONORABLE JUDGE ERNEST ROBLES, the other judges sought to support and reward the UTTERLY VILE OPINION THAT CLAIMS "INTENTIONAL MURDER AS OPPOSED TO NEGLIGENCE" AS "IRRELEVANT". Opinion destroys all American laws and usurps authority.

Opinion proves the corruption of the court system almost through and through. As I stated above, with exception of this Court and Your Honor, those other judges decided to reward the torture and murder of my beloved father going so far as to trample upon every law governing the matter, and they seek to cover it up by instruction on Opinion stating to "Not be published in official reports" in capital letters. Opinion is depraved, vile, and criminally insane.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California.

Dated on January 7, 2025



Lindsey Chow, Pro Per

EXHIBITS

1. OPINION – A bombshell of criminal insanity and oppression claim that “intentional murder as opposed to negligence” and taking Henry off ventilator oxygen “ are irrelevant” which means under Federal Rules of Evidence 402 as “inadmissible”.
2. NATIONAL STRATEGY FOR COMBATING TERRORIST AND OTHER ILLICIT FINANCING 2020 -- Publication by US Government – see Chart on page 4 that gives a visual that Money Laundering from Various Crimes Including Fraud, Organized Crime, and Corruption are “Key Illicit Financial Threats”, page 7 explains how “criminals and other illicit actors seek to hide or disguise their ill-gotten gains or fund their dangerous plots...” Page 8 breaks down Money laundering as healthcare Fraud, Corruption, elder, and Terrorist financing [as far as I am concerned forcing a patient to die against their will as happened to Henry Chow as he was terrorized looking at his grey, dying flesh and gasping desperately trying to speak to save himself but due to damage to his throat from intubation was unable then forced to die faster by anesthesia paralyzing his lungs is within every reasonable definition of terrorism. See page 9 Money Laundering as healthcare fraud

48

1 A COPY TO BE MAILED TO THE DENTONS BY US POST OFFICE WITHIN ~~THREE~~
2 ~~HOURS~~ OF TODAY, JANUARY 7, 2025 TO LOS ANGELES OFFICE
3

4 MR. JOHN MOE II

5 DENTONS US LLP

6 601 S. FIGUEROA STREET

7 SUITE 2500

8 LOS ANGELES, CA 90017
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Exhibit #1

HENRY CHOW CASE WAS DENIED WRIT OF CERTIORARI
BY U.S. SUPREME COURT

I, LINDSEY CHOW, RECEIVED A LETTER DATED
NOVEMBER 16, 2022 FOR THIS CASE NO. 22-6073
WAS DENIED REVIEW SO OPINION WHICH IS
DEPRAVED, CRIMINAL INSANITY, STANDS AS
CASELAW.

Listed as Lindsey Chow v. Ma Leyba, et al.
No. 22-6073

Letter was signed by Scott S. Harris, Clerk with
signature by Sara Simmons, Case Analyst

If you can help me, please write
me at my address: 1662 1/2 Cortez Street
Los Angeles, CA 90026

or text me at 310-728-9909

→ Sorry my e-mail ran
out of storage and will
not receive in-coming emails.

→ I cannot receive phone
calls but will text or
call you back if you
let me know by text
it's your phone #.

Thank you very much,
LChow

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DANIEL P. POTTER, CLERK

DIVISION 7

Los Angeles County Superior Court

LINDSEY CHOW,
Plaintiff and Appellant,
v.
MA LEYBA et al.,
Defendants and Respondents.
B307432

Los Angeles County Super. Ct. No. BC648838

*** REMITTITUR ***

I, Daniel P. Potter, Clerk of the Court of Appeal of the State of California, for the
Second Appellate District, do hereby certify that the attached is a true and correct copy of
the original order, opinion or decision entered in the above-entitled cause on April 19, 2022
and that this order, opinion or decision has now become final.

St. Vincent is to recover its costs on appeal.

Witness my hand and the seal of the Court
affixed at my office this
Sep 26, 2022

DANIEL P. POTTER, CLERK

[Signature]

by: C. Lynch,
Deputy Clerk

cc: All Counsel (w/out attachment)
File



* La Follette Johnson De Haas Fessler
and Amer lawfirm for
defendants demanded attorney fees.

** Upheld ⁱⁿ California
~~denie~~
highest court
under
Chief Justice
Tani Cantil-Sakauy*

*Vile, criminal, insane Opini
upheld
"en ba*

*with All Seven (7)
Justices in full agreement
to reward murder of
elderly
patient
to scam
Medicare*

FILED

Apr 19, 2022

DANIEL P. POTTER, Clerk

CLynch

Deputy Clerk

Abnormal *To cover up* *Racketeering of Medicare by forced patient death*

Filed: 4/19/22

★ → NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

DIVISION SEVEN

LINDSEY CHOW,

Plaintiff and
Appellant,

v.

MA LEYBA et al.,

Defendants and
Respondents.

B307432

(Los Angeles County
Super. Ct. No. BC648838)

APPEAL from a judgment of the Superior Court of
Los Angeles County, Monica Bachner, Judge. Affirmed.
Lindsey Chow, in pro. per., for Plaintiff and Appellant.
William Chow, in pro. per., for Defendant and Respondent.
La Follette, Johnson, DeHaas, Fesler & Ames, Janee M.
Tomlinson and David J. Ozeran for Defendants and Respondents.

Henry Chow was brought to the emergency room at St. Vincent Medical Center on October 31, 2015, where he was treated and then admitted to the hospital. He died on November 6, 2015, one day after his son, William Chow, agreed to make his father a DNR (do not resuscitate) patient. On January 31, 2017 Susan Chan Chow, Henry Chow's wife, and Lindsey Chow,¹ his daughter, filed this wrongful death and survival action, alleging medical negligence and related tort claims. Ultimately, following a series of demurrers and amended pleadings, as well as Susan's death, the trial court granted St. Vincent's motion for summary judgment and entered judgment in favor of St. Vincent finding Lindsey, who was representing herself, had failed to demonstrate a triable issue of fact whether St. Vincent had failed to meet the standard of care in treating Henry or St. Vincent's care was the cause of Henry's injury or death. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

1. *Henry Chow's Hospitalization and Death*

Henry, 77 years old, was brought to the St. Vincent emergency room on October 31, 2015 complaining of shortness of breath and chest pain.² He was given an electrocardiogram and intubated for respiratory distress. After intubation Henry experienced severe bradycardia and suffered cardiac arrest. He

Elderly
Man

¹ We hereafter refer to members of the Chow family by their first names to avoid repetition.

² Our description of Henry's hospitalization and the events preceding his death is based on St. Vincent's separate statement of undisputed material facts in support of its motion for summary judgment. None of these facts was disputed in Lindsey's separate statement in opposition to the motion.

was revived through administration of cardiopulmonary resuscitation (CPR). Henry was then transferred to a catheterization laboratory where an intra-aortic balloon catheter was inserted and angioplasty attempted.

The catheterization laboratory determined Henry had "[s]evere multiple vessel coronary artery disease," and his medical history showed diabetes, acute kidney failure, acute respiratory failure and aspiration pneumonia. A preliminary cardiac consultation performed on October 31, 2015 concluded Henry's prognosis was "very poor": "Mr. Chow has had [a] massive myocardial infarction. He has multivessel heavily calcified coronary stenosis and is presently in cardiogenic shock." Henry was transferred to the intensive care unit, where he remained until his death on November 6, 2015. During that time he was seen by a variety of medical specialists, including nephrology, cardiology, pulmonology and infectious disease physicians.

On November 5, 2015 an emergency "code blue" was called for Henry. CPR was again administered, and he was given three rounds of epinephrine. Henry regained a weak pulse. He was returned to a ventilator and treated once more with vasopressors. Following the code blue, Dr. Tao Nguyen, the hospitalist who had responded, discussed Henry's situation with William. William agreed to make Henry a DNR patient and signed the appropriate form. The DNR order instructed health care providers to allow a natural death and provide a comfort-focused treatment. Henry died on November 6, 2015. The final diagnosis was acute myocardial infarction, cardiogenic shock, acute kidney injury, diabetes mellitus, acute diastolic heart failure, aspiration pneumonia and sepsis.

→ Dr. Nguyen
falsified
a DNR

2. *Lindsey's Lawsuit*

Lindsey and Susan, representing themselves, filed their original complaint on January 31, 2017, asserting causes of action for wrongful death, medical malpractice, negligence, "survival" (a claim under Code of Civil Procedure section 377.30 for damages suffered by Henry before his death) and false imprisonment arising from Henry's hospitalization and death. Their principal allegation was that care had been improperly withdrawn from Henry, who was allowed to die. Lindsey and Susan named as defendants Ma Leyba, a nurse who provided care for Henry; Dr. Nguyen; St. Vincent; and Verity Health System of California, a nonprofit health care organization that operated St. Vincent, among other hospitals.

After demurrers by the defendants to some, but not all, of the causes of action were sustained with leave to amend, Lindsey and Susan filed a first amended complaint, which added additional causes of action for elder abuse and intentional and negligent infliction of emotional distress. St. Vincent, Verity Health and Leyba's demurrers to the negligence and survival causes of action were sustained without leave to amend. The elder abuse and intentional infliction of emotional distress causes of action were struck as improperly added without leave of court. Demurrers to other causes of action were sustained with leave to amend.

The second amended complaint alleged causes of action for wrongful death, medical malpractice, negligent infliction of emotional distress and false imprisonment. St. Vincent, Verity Health and Leyba's demurrers to the cause of action for false imprisonment were sustained without leave to amend.

A murder
victim's
family
is entitled
to
survivorship
damages

Demurrers to other causes of action were once again sustained with leave to amend.

On January 31, 2018 Lindsey and Susan moved for leave to amend their complaint to include a claim for punitive damages and new causes of action for medical battery, malfeasance and violation of informed consent. The court denied the motion.

On February 16, 2018 Lindsey and Susan filed amendments to their pleading naming eight physicians and nurses in place of Doe defendants, and on February 23, 2018 filed a third amended complaint alleging causes of action for wrongful death, medical malpractice, negligent infliction of emotional distress, false imprisonment and survival. New demurrers and motions to strike were filed. The court struck the false imprisonment cause of action against St. Vincent, Verity Health and Leyba. To the extent other demurrers were sustained, Lindsey and Susan were given leave to amend.

On March 23, 2018 Lindsey and Susan named William as a nominal defendant in place of Doe 9.

On May 29, 2018 Lindsey and Susan filed a fourth amended complaint (the operative pleading) with four causes of action: wrongful death, medical malpractice, negligent infliction of emotional distress and survival. St. Vincent demurred to the cause of action for negligent infliction of emotional distress. The other defendants demurred to all the causes of action. All defendants moved to strike the causes of action for medical malpractice and survival on the ground Susan, Henry's successor in interest, could not maintain those causes of action in propria persona. While the demurrers and motions to strike were pending, Lindsey and Susan moved for leave to file a fifth amended complaint to add a number of new causes of action,

including intentional torts and violation of religious freedom. The court denied the motion.

On June 17, 2019, following Susan's death several months earlier, Lindsey moved to substitute herself as Henry's successor in interest.³ The defendants opposed the motion, arguing a self-represented party who is not an attorney cannot appear as successor in interest and could not maintain Henry's survival and medical malpractice causes of action. The motion was denied without prejudice on July 22, 2019 (permitting the substitution if Lindsey retained an attorney).

Following argument the trial court sustained St. Vincent's demurrer to the cause of action for negligent infliction of emotional distress with leave to amend as to Lindsey and without leave to amend as to Susan. St. Vincent's motion to strike the claim for punitive damages was granted. St. Vincent's motion to strike the medical malpractice and survival causes of action based on Lindsay's self-represented status was denied on the ground she still had the option of retaining counsel to pursue those claims on Henry's behalf. The demurrers of all other defendants as to all causes of action were sustained without leave to amend. Lindsey elected not to further amend.

³ The lawsuit was stayed between September 10, 2018 and July 19, 2019 as a result of bankruptcy proceedings involving St. Vincent and Verity Health. Granting relief from the automatic stay, the bankruptcy court stated, "The State Court is the forum best suited to adjudicate Movants' claims, which all arise under non-bankruptcy law. Further, the State Court is already intimately acquainted with this matter, having ruled upon multiple Demurrers and Motions to Strike filed by the Debtors."

On November 26, 2019 St. Vincent, the only defendant still in the lawsuit, filed its answer to the fourth amended complaint, responding to the remaining causes of action for wrongful death, medical malpractice and survival. (The answer noted the causes of action for negligent infliction of emotional distress and false imprisonment, alleged in the fourth amended complaint, had been dismissed by the court.)

3. St. Vincent's Motion for Summary Judgment

St. Vincent moved for summary judgment on January 29, 2020, contending the medical care and treatment provided Henry met the standard of care and did not cause injury to him or his death. St. Vincent submitted with its motion the declaration of Andrew Wachtel, M.D., a board certified physician in internal medicine and pulmonary disease.

He NEVER
Treated →
Henry

Dr. Wachtel explained he had reviewed Henry's medical records from St. Vincent beginning with Henry's arrival at the hospital on October 31, 2015 and opined the care and treatment Henry received in the emergency room met the standard of care: "The medical issues he presented with were properly and timely addressed, and proper medical interventions were undertaken. Furthermore, no act or omission on the part of hospital personnel while Mr. Chow was in the emergency room caused or contributed to his death on November 6, 2015." After describing Henry's treatment in the catheterization laboratory and the ICU following his transfer from the emergency room, Dr. Wachtel further opined that Henry "received extensive and appropriate care during his stay in the ICU." Dr. Wachtel then opined that, following the code blue on November 5, 2015, administration of CPR, use of epinephrine and placement of Henry back on a ventilator, "it was apparent that Mr. Chow was going to die, and

nothing could be done to save him." "[I]t was appropriate and within the standard of care," according to Dr. Wachtel, "for Dr. Nguyen to issue the DNR order upon obtaining Mr. Chow's son's consent, and for the hospital staff to carry out that order, which it did appropriately and within the standard of care."

Summarizing his views, Dr. Wachtel opined, "[T]he medical staff at St. Vincent Medical Center met the standard of care in the medical treatment rendered to the decedent." In addition, he declared, "[t]o a reasonable medical probability, no act or omission on the part of hospital personnel or any medical provider caused Mr. Chow's condition to decline or his death." He concluded his declaration by stating, "[T]o a reasonable medical probability, the placing of Mr. Chow on a DNR did not cause his death, because to a reasonable medical probability, he was going to die shortly after the November 5, 2015 Code Blue regardless of whether he was on a DNR or not. In other words, Mr. Chow had reached the end of his life, and to a reasonable medical probability further resuscitative efforts were not going to extend his life."

Citing *Landeros v. Flood* (1976) 17 Cal.3d 399 and *Sanchez v. South Hoover Hospital* (1976) 18 Cal.3d 93, St. Vincent argued, because it had submitted an expert declaration opining that it had met the standard of care when treating Henry and that to a reasonable medical probability placing him on a DNR did not cause his death, it was entitled to summary judgment unless Lindsey filed an expert declaration in opposition contradicting that opinion.

In her opposition papers Lindsey contended St. Vincent personnel had caused Henry's death by unlawfully unplugging his life support without his consent and against his desire, which

Negligence
Cases
do not
apply to
involuntary
euthanasia
that is a
federal
felony

she characterized as murder and euthanasia, as well as elder abuse. Lindsey submitted her own declaration, stating she was in Henry's room on the morning of November 6, 2015 and saw nurse Leyba sitting 12 to 20 feet away from Henry, not providing services, while Henry was gasping for air, unable to breathe. The ventilator was unplugged, the heart monitor removed and all alarms were turned off. According to Lindsey, her father's eyes were full of terror and fear.

4. *The Trial Court's Ruling*

Before turning to the merits of St. Vincent's motion, the trial court overruled Lindsay's objection to Dr. Wachtel's expert witness declaration, explaining, "[I]t appears to be an objection to his conclusion that 'no act or omission' caused the death on the grounds that such a declaration is not based on personal knowledge."⁴

Based on Dr. Wachtel's opinions, the court found St. Vincent had submitted competent evidence that its medical personnel had not breached a duty of care or caused Lindsey damages or Henry's death, carrying its initial burden on summary judgment. Lindsey, in contrast, failed to carry her burden. "Plaintiff failed to submit admissible competent evidence creating a triable issue of fact as to Defendant's submitted evidence that Defendant met the standard of care and that Defendant's care of Decedent was not the cause of Decedent's injury or death." Emphasizing that Lindsey did not submit an expert declaration controverting the opinions of Dr. Wachtel and

⁴ The court also noted that Lindsey's objection violated California Rules of Court, rule 3.1354(b) because it was included within her opposition memorandum, rather than having been filed separately.

— Many
Medical
records
were
filed
and judges
denied
to admit
their existence
here.

⁹ ** Medical records admit that
they intentionally withheld
evidence from the court.

→ ruling inapplicable the "common knowledge" exception to the general requirement that expert testimony is needed in medical malpractice cases, the court found Lindsey's declaration did not constitute competent evidence: "Plaintiff's arguments in opposition that Defendant's treatment of Decedent constituted 'intentional murder' as opposed to negligence, whether conduct of Defendant's staff caused Decedent's death, and arguments relating to the DNR order and taking Decedent off the ventilator are irrelevant to her burden in opposing Defendant's motion for summary judgment, for which she must submit expert testimony in support of her assertions."

Judgment was entered in favor of St. Vincent on July 24, 2020. On the same date, but in a separate document, judgment was entered in favor of Verity Health and various individual defendants. William was dismissed from the action on July 24, 2020 for failure to prosecute pursuant to Code of Civil Procedure section 583.240, subdivision (a)(1).

Lindsey filed a timely notice of appeal, which appears to be limited to the judgment entered in favor of St. Vincent.

DISCUSSION

1. *Standard of Review*

A motion for summary judgment is properly granted only when "all the papers submitted show that there is no triable issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." (Code Civ. Proc., § 437c, subd. (c).) A defendant may bring a motion on the ground the plaintiff cannot prove one of the required elements of the case or there is a complete defense to the action. (Code of Civ. Proc., § 437c, subds. (o)(1), (2) & (p)(2); *Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 849.)

Does not
apply. Everyone
knows
denying
oxygen
for over
a day
causes
patient
death.

To carry its initial burden when the motion is directed to the plaintiff's case rather than an affirmative defense, the defendant must present evidence that either negates an element of the plaintiff's cause of action or shows that the plaintiff does not possess, and cannot reasonably obtain, evidence necessary to establish at least one element of the cause of action. (*Aguilar v. Atlantic Richfield Co.*, *supra*, 25 Cal.4th at pp. 853-854.) Only after the defendant carries that initial burden does the burden shift to the plaintiff "to show that a triable issue of one or more material facts exists as to the cause of action or a defense thereto." (Code Civ. Proc., § 437c, subd. (p)(2).)

We review a grant of summary judgment de novo (*Samara v. Matar* (2018) 5 Cal.5th 322, 338) and, viewing the evidence in the light most favorable to the nonmoving party (*Regents of University of California v. Superior Court* (2018) 4 Cal.5th 607, 618), decide independently whether the facts not subject to triable dispute warrant judgment for the moving party as a matter of law. (*Hampton v. County of San Diego* (2015) 62 Cal.4th 340, 347; *Schachter v. Citigroup, Inc.* (2009) 47 Cal.4th 610, 618.)

2. Medical Negligence and the Need for Expert Testimony

"Generally, 'negligence' is the failure to exercise the care a reasonable person would exercise under the circumstances. [Citation.] Medical negligence is one type of negligence, to which general negligence principles apply." (*Massey v. Mercy Medical Center Redding* (2009) 180 Cal.App.4th 690, 694.) "The elements of a medical malpractice claim are: "(1) the duty of the professional to use such skill, prudence, and diligence as other members of his profession commonly possess and exercise; (2) a breach of that duty; (3) a proximate causal connection

Negligence cases does not apply

Does not apply to Dad's case because

Henry was murdered with malice

— 1st degree Murder

to profit from defrauding Medicare

is a criminal offense of

highest order.

between the negligent conduct and the resulting injury; and
(4) actual loss or damage resulting from the professional's
negligence.”” (Avivi v. Centro Medico Urgente Medical Center
(2008) 159 Cal.App.4th 463, 468, fn. 2.) “Both the standard of
care and [a defendant’s] breach must normally be established by
expert testimony in a medical malpractice case.” (Id. at p. 467.)
“Because the standard of care in a medical malpractice case
is a matter ‘peculiarly within the knowledge of experts’ [citation],
expert testimony is required to ‘prove or disprove that the
defendant performed in accordance with the standard prevailing
of care’ unless the negligence is obvious to a layperson.” (Johnson
v. Superior Court (2006) 143 Cal.App.4th 297, 305; accord,
Landeros v. Flood, supra, 17 Cal.3d at p. 410 [“[t]he standard of
care against which the acts of a physician are to be measured is a
matter peculiarly within the knowledge of experts; it presents the
basic issue in a malpractice action and can only be proved by
their testimony [citations], unless the conduct required by the
particular circumstances is within the common knowledge of the
layman”].)⁵ Similarly, “[c]ausation must be proven within a

Violations
of
healthcare
patient
safety
is not
licensed
activity.

⁵ The Supreme Court in *Flowers v. Torrance Memorial Hospital Medical Center* (1994) 8 Cal.4th 992, 1001, discussed a medical malpractice plaintiff’s need for expert testimony to oppose summary judgment and the obvious-to-a-layperson (common knowledge) exception to that requirement: “‘The standard of care against which the acts of a physician are to be measured is a matter peculiarly within the knowledge of experts; it presents the basic issue in a malpractice action and can only be proved by their testimony [citations], unless the conduct required by the particular circumstances is within the common knowledge of the layman.’ [Citations.] [Citations.] The ‘common knowledge’ exception is principally limited to situations in which the plaintiff can invoke the doctrine of res ipsa loquitur, i.e.,

Does not apply

This was
1st degree
murder
and
elder
abuse

reasonable medical probability based upon competent expert testimony.” (*Dumas v. Cooney* (1991) 235 Cal.App.3d 1593, 1603; see *Scott v. Rayhrer* (2010) 185 Cal.App.4th 1535, 1542 “[a]s a general rule, the testimony of an expert witness is required in every professional negligence case to establish the applicable standard of care, whether that standard was met or breached by the defendant, and whether any negligence by the defendant caused the plaintiff’s damages”]; see also *Bromme v. Pavitt* (1992) 5 Cal.App.4th 1487, 1492-1493 [“a plaintiff who alleges a

when a layperson ‘is able to say as a matter of common knowledge and observation that the consequences of professional treatment were not such as ordinarily would have followed if due care had been exercised.’ [Citations.] The classic example, of course, is the X-ray revealing a scalpel left in the patient’s body following surgery. [Citation.] Otherwise, “expert evidence is conclusive and cannot be disregarded.”” (Fn. omitted.)

Nothing in the trial court record would support a finding the proper treatment of a DNR patient with Henry’s multiple problems falls within this common knowledge exception to the need for expert testimony in a medical malpractice case. (See *Bardessono v. Michels* (1970) 3 Cal.3d 780, 792-793 [jury could rely on common knowledge where alleged malpractice did not involve a complex procedure, but rather a simple treatment for commonplace problem where untoward, extremely rare result occurred]; *Davis v. Memorial Hospital* (1962) 58 Cal.2d 815, 818 [trial court erred in failing to instruct jury on *res ipsa loquitur* when it was matter of common knowledge that procedure is not ordinarily harmful in the absence of negligence]; see also *Curtis v. Santa Clara Valley Medical Center* (2003) 110 Cal.App.4th 796, 801 “[t]he more complex or unusual the medical process, the more likely it is that expert testimony will be required to establish whether or not the injury was the result of negligence”].)

statutory cause of action for wrongful death arising from medical negligence must prove by reasonable medical probability based on competent expert testimony that a defendant's acts or omissions were a substantial factor in bringing about the decedent's death"].)

"Whenever the plaintiff claims negligence in the medical context, the plaintiff must present evidence from an expert that the defendant breached his or her duty to the plaintiff and that the breach caused the injury to the plaintiff." (*Sanchez v. Kern Emergency Medical Transportation Corp.* (2017) 8 Cal.App.5th 146, 153.) A medical malpractice defendant who supports a summary judgment motion with applicable expert declarations "is entitled to summary judgment unless the plaintiff comes forward with conflicting expert evidence." (*Munro v. Regents of University of California* (1989) 215 Cal.App.3d 977, 985.)

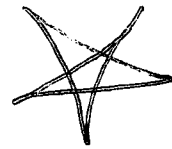
3. *Lindsey Failed To Demonstrate a Triable Issue of Material Fact as to St. Vincent's Breach of Duty, an Essential Element of Her Causes of Action* — False, Vile evil

In appellate briefs devoid of any citation to the record (see generally Cal. Rules of Court, rule 8.204(a)(1)(C) [any reference to a matter in the record must be supported by a specific citation]), Lindsey contends the motion for summary judgment was improperly granted because St. Vincent's medical personnel committed a deliberate act of euthanasia (murder) outside the standard of care. Although we do not question the depth of Lindsey's anguish over the death of her father, because she failed to present expert medical testimony in opposition to St. Vincent's motion, her briefs fail to provide any ground for reversal of the trial court's judgment.

judges
destroy the
laws to
reward
torture +
murder

Lindsey advances four basic arguments in her briefs. First, asserting murder is not mere negligence, Lindsey contends her

Please
read carefully



Murderous, criminal
acts of
abuse +
murder

Courts
admit
*
it was
on purpose

declaration described deliberate acts intended to kill Henry (unplugging the ventilator, removing the heart monitor and turning off alarms); and she suggests, as a consequence, well-established rules governing medical malpractice cases are somehow inapplicable to her lawsuit. Lindsey's argument misperceives the nature and elements of her causes of action for wrongful death and medical malpractice. (The survival action is simply Henry's claim for malpractice.) As to each, the issue is not whether St. Vincent's actions were deliberate or accidental—there is no dispute they were intentional—but whether they were performed in accordance with the applicable standard of care and, therefore, not tortious or otherwise wrongful.⁶ Dr. Wachtel testified they complied with that standard, based on his review of Henry's medical records, as well as Dr. Wachtel's own extensive training and experience. As discussed, absent an expert declaration contradicting Dr. Wachtel's opinion, that evidence is conclusive; and the trial court was required to grant St. Vincent's motion.

→ Defendants intentionally denied oxygen for over a day until Henry turned blue.
* This was cruel, excessively depraved and against patient safety.

⁶ To reiterate, breach of duty and causation are essential elements of a claim for medical negligence (malpractice). (See, e.g., *Bushling v. Fremont Medical Center* (2004) 117 Cal.App.4th 493, 509 [a medical malpractice plaintiff "must show that defendants' breach of the standard of care was the cause, within a reasonable medical probability, of his injury"].) Similarly, the elements of a wrongful death cause of action directed to a health care provider include "(1) a 'wrongful act or neglect' on the part of one or more persons that (2) 'cause[s]' (3) the 'death of [another] person' [citation]—on legal theories of negligence and strict liability." (*Norgart v. Upjohn Co.* (1999) 21 Cal.4th 383, 390.)

Negligence case does not apply.

* Courts include here in opinion to deceive stupid people.

Lindsey's challenge to the admissibility of Dr. Wachtel's declaration because he did not have personal knowledge of Henry's treatment, relying instead on Henry's medical records, is misplaced. "Expert opinion testimony may be based upon information furnished to the expert by others so long as the information is of a type reasonably relied upon by professionals in the relevant field." (*Olive v. General Nutrition Centers, Inc.* (2018) 30 Cal.App.5th 804, 821; accord, *Zuniga v. Alexandria Care Center, LLC* (2021) 67 Cal.App.5th 871, 887; see Evid. Code, § 801, subd. (b) [expert opinion may be based on matter, including the expert's experience, training and education, perceived by or personally known to the witness, "or made known to him at or before the hearing, whether or not admissible, that is of a type that reasonably may be relied upon by an expert in forming an opinion upon which the subject to which his testimony relates"].) Henry's medical records were submitted with St. Vincent's motion papers, authenticated by the custodian of medical records for St. Vincent, and properly before the trial court as business records within the meaning of Evidence Code section 1271. "They are the type of records on which medical experts may and do rely in order to give expert testimony in a medical malpractice case." (*Wicks v. Antelope Valley Healthcare Dist.* (2020) 49 Cal.App.5th 866, 876; see *Shugart v. Regents of University of California* (2011) 199 Cal.App.4th 499, 506 ["The court found in its order of May 14, 2010, that the medical records in support of Dr. Warren's motion were properly authenticated. Accordingly, the foundational facts and medical records on which Dr. Ostegard relied as stated in his declaration were before the court to support his expert opinion"].)

Medical
record
admit
to
evil,
unlawful
acts.
They are
direct proof!

Lindsey also argues summary judgment should have been denied because the bankruptcy court, when lifting the automatic stay of the case imposed following Verity Health's bankruptcy filing in September 2018, found her claims had merit. The bankruptcy court made no such finding, as the trial court explained when rejecting this same contention. The bankruptcy court noted that Lindsey and Susan alleged the debtors "euthanized Henry . . . as a cost-saving measure"—language that Lindsey quotes without indicating it was a description of her allegation—but ruled only that state court, not federal bankruptcy court, was the forum better suited to adjudicate Lindsey's state law claims.

Honorable
Judge Ernest
Robles'
characterization

Finally, Lindsey contends Henry's death certificate, which stated the immediate cause of death was cardiogenic shock and acute myocardial infarction, established that Henry did not die from natural causes. But the meaning of those medical terms in the context of an evaluation of St. Vincent's treatment and care of Henry, just as Lindsey's claims that St. Vincent's conduct violated various federal laws regarding euthanasia and constituted Medicare fraud, required expert testimony. In the absence of expert testimony, St. Vincent was entitled to summary judgment.

→ which
means
death
by lack
of oxygen

Case survived "willful and malicious injury standards" against bankruptcy discharge.

Judge Ernest Robles found "Good cause" appearing to grant relief against

Verity Health System of GA
based upon "clear and convincing evidence" standards.

DISPOSITION

The judgment is affirmed. St. Vincent is to recover its costs on appeal.

We concur:


SEGAL, J.


FEUER, J.

Judge John Segal


PERLUSS, P. J.

Judge Dennis Perluss

Judge
← Gail Ruderman Feuer
(Wife of Mike Feuer,
whom is LA City
Attorney)

NATIONAL STRATEGY FOR COMBATING TERRORIST AND OTHER ILLICIT FINANCING

2020

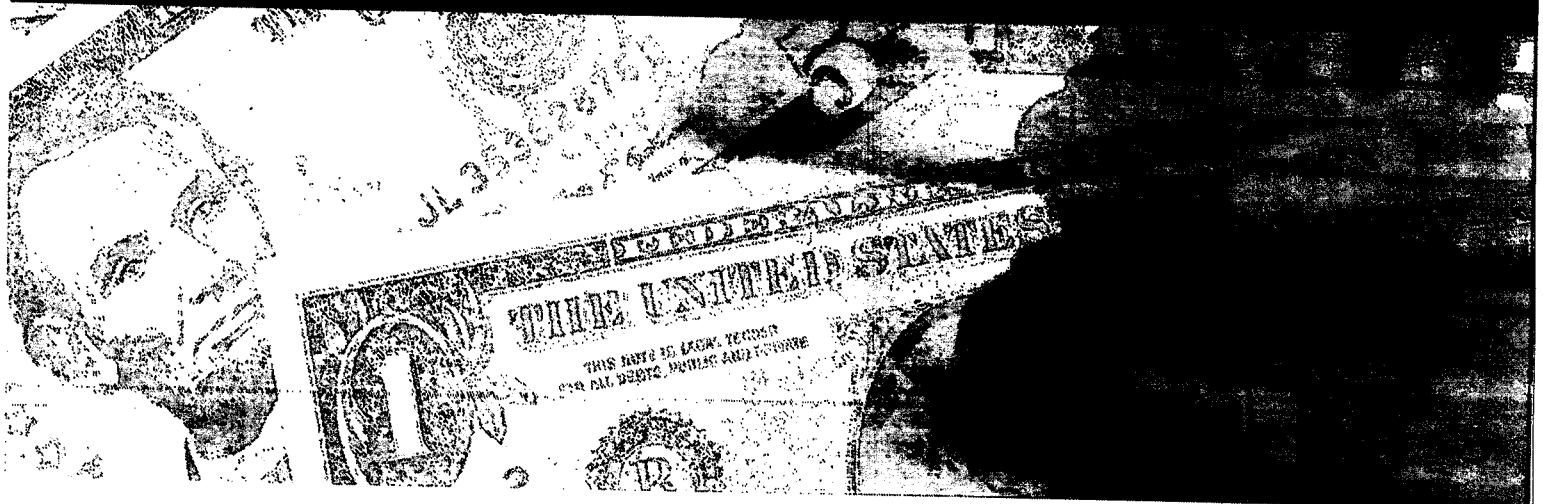


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EXECUTIVE SUMMARY

The United States has the world's most comprehensive and effective anti-money laundering and countering the financing of terrorism (AML/CFT) regime. It includes a strong legal foundation; robust interagency and intergovernmental coordination and information sharing; active and well-resourced operational, supervisory, and enforcement mechanisms; and extensive collaboration between the public and private sectors.

While these elements have made the United States a global leader in combating illicit finance, we live in an interconnected and mobile world where terrorists, money launderers, weapons of mass destruction (WMD) proliferators, and other criminals and malign actors take advantage of the size and stability of our financial system and the ubiquity of the U.S. dollar and explore new ways to exploit financial services and payments. The U.S. AML/CFT regime must keep pace with these changes so that the United States can stay ahead of evolving illicit finance threats.

As we mark the 50th anniversary of the enactment of our first AML/CFT law,¹ this 2020 National Strategy for Combating Terrorist and Other Illicit Financing (2020 Strategy) employs a whole-of-government approach to guide the public and private sectors in addressing 21st century illicit finance challenges. It lays forth a vision to further the USA PATRIOT Act's purpose to "increase the strength of United States measures to prevent, detect, and prosecute international money laundering and the financing of terrorism."²

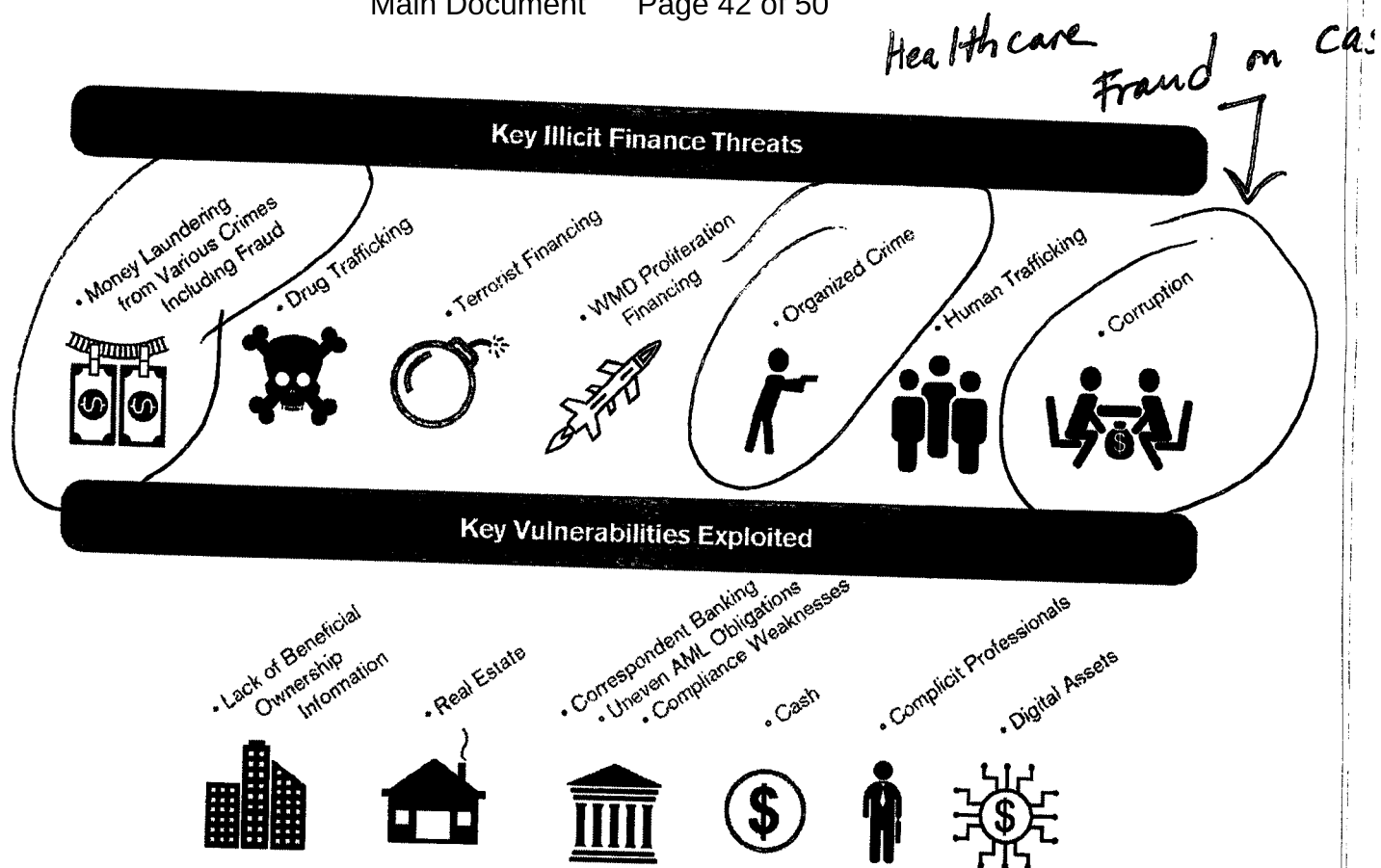
The 2020 Strategy is organized around the principle that a strong and transparent financial system, one that denies criminals and malign actors access to the funds and resources they need to carry out nefarious activities or to profit from their crimes, strengthens U.S. national security and protects Americans.

The 2020 Strategy builds on the 2018 National Strategy for Combating Terrorist and Other Illicit Financing (2018 Strategy) and its three supporting national risk assessments on money laundering, terrorist financing, and proliferation financing.³ It identifies the following as the most significant threats and vulnerabilities that allow illicit proceeds to enter the United States and U.S. financial system.

¹ The Currency and Foreign Transactions Reporting Act of 1970 was the first AML law passed in the United States. This statute requires financial institutions to keep records of cash purchases of negotiable instruments, and file reports of cash transactions exceeding \$10,000 (daily aggregate amount). Many laws with AML/CFT components have amended this statute, adding important requirements, such as suspicious activity reporting and customer identification and due diligence. These laws and their implementing rules and regulations are collectively referred to as the Bank Secrecy Act (BSA). See 31 U.S.C. §§ 5311-5330 and 31 C.F.R. Chapter X.

² USA PATRIOT ACT, Pub. L. 107-66, Sec. 302(b)(1), Oct. 26, 2001.

³ The 2018 National Illicit Finance Strategy and its supporting risk assessments are available at <https://home.treasury.gov/ncust/press-releases/sm581>.



The 2020 Strategy focuses U.S. government efforts along the following key priorities and supporting actions, many of which are already underway, to strengthen and make the U.S. AML/CFT regime more effective, efficient, and responsive to an evolving threat environment.

Priorities and Supporting Actions

Increase Transparency and Close Legal Framework Gaps

1. Require Collection of Beneficial Ownership Information by the Government at Time of Company Formation and After Ownership Changes
2. Minimize the Risks of the Laundering of Illicit Proceeds Through Real Estate Purchases
3. Extend AML Program Obligations to Certain Financial Institutions and Intermediaries Currently Outside the Scope of the BSA
4. Clarify or Update our Regulatory Framework to Expand Coverage of Digital Assets

Continue to Improve the Efficiency and Effectiveness of Regulatory Framework for Financial Institutions

1. Improve the Efficiency of Existing Reporting Obligations
2. Emphasize the Risk-focused Approach to Supervision
3. Foster Responsible Innovation

Enhance the Current AML/CFT Operational Framework

1. Improve Communication of Priority Illicit Finance Threats, Vulnerabilities and Risks
2. Expand the use of Data Analytics and Artificial Intelligence
3. Creatively and Effectively Deploy Targeted Measures to Disrupt Illicit Finance Activity
4. Enhance use of Public-Private Partnerships and Other Information Sharing
5. Support Global AML/CFT Implementation

INTRODUCTION

Pursuant to Sections 261 and 262 of the Countering America's Adversaries Through Sanctions Act (CAATSA),⁴ this 2020 Strategy is an update to the evaluation of existing efforts identified in the inaugural 2018 Strategy. The 2020 Strategy was prepared by the Department of the Treasury (Treasury) in consultation with the Departments of Justice (DOJ), State, and Homeland Security (DHS), the Office of the Director of National Intelligence (ODNI), the Office of Budget and Management and Budget (OMB), and the staffs of the federal functional regulators.⁵

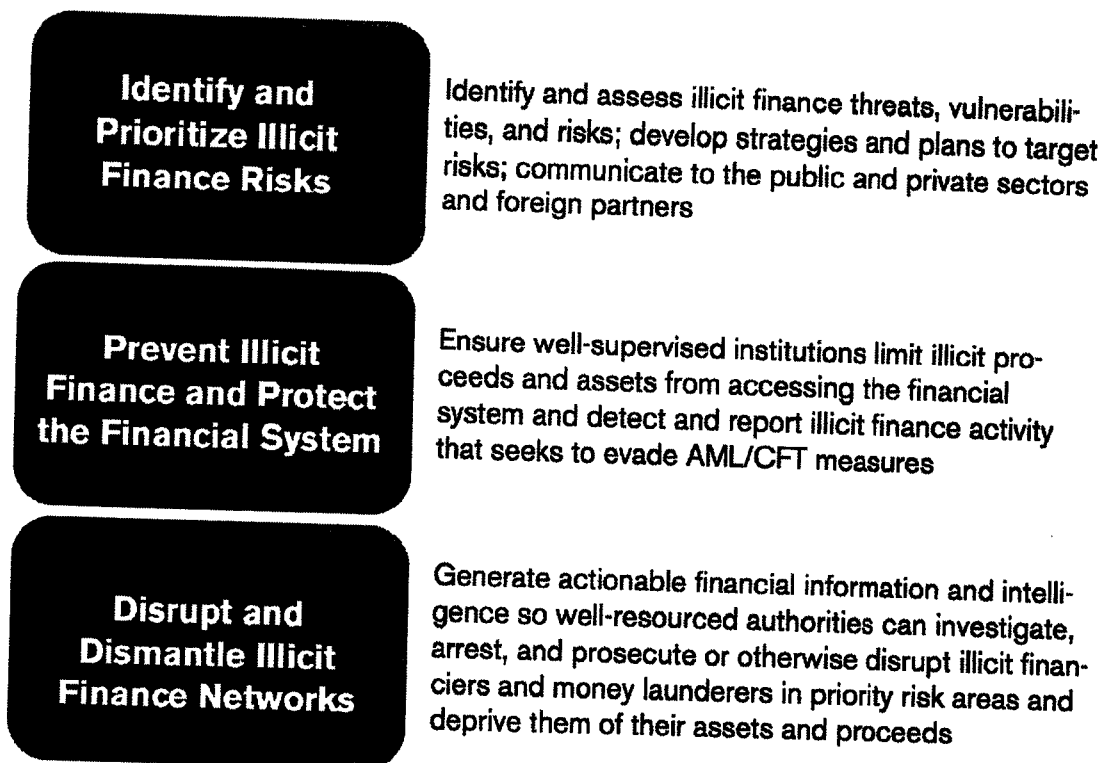
To protect our economy, financial system, and society from harm caused by criminals, terrorists, WMD proliferators and other malign actors, the United States has built a comprehensive AML/CFT framework. It includes a strong legal foundation; robust interagency and intergovernmental coordination and information sharing; active and well-resourced operational, supervisory and enforcement mechanisms; and extensive collaboration between the public and private sectors.

While this framework has made the United States a global leader in combating illicit finance, the United States must continue to stay ahead of emerging illicit finance challenges and position itself to be a model for AML/CFT for years to come. To do this, the U.S. government must holistically approach strengthening the U.S. AML/CFT regime to make it more effective, efficient, and responsive to an evolving threat environment.

The U.S. AML/CFT system seeks to deny criminals and malign actors access to the U.S. and international financial systems by detecting, disrupting, and preventing illicit finance activities within and transiting the U.S. financial system. This requires achieving the following objectives:

⁴ Pub. L. No. 115-44 (2017).

⁵ This includes staff of the Commodity Futures Trading Commission (CFTC); the Federal Deposit Insurance Corporation (FDIC); the Board of Governors of the Federal Reserve System (FRB); the National Credit Union Administration (NCUA); the Office of the Comptroller of the Currency (OCC); and the Securities and Exchange Commission (SEC).



The 2020 Strategy also identifies key priorities for the U.S. AML/CFT regime and supporting actions to achieve those priorities. These include proposed legislative and regulatory changes to close gaps in our AML/CFT legal framework and coordinated efforts to make the U.S. AML/CFT regime more effective and efficient, including enhancing partnerships between the private and public sector to better detect and prevent illicit finance.⁶

Central to this 2020 Strategy and the U.S. AML/CFT framework is the risk-based approach.⁷ In the context of AML/CFT, the risk-based approach means allocating resources and implementing

⁶ Public Law 115-44, Aug. 2, 2017. Section 261(a) directs the president, acting through the secretary of the Treasury in consultation with the other relevant offices and departments of government, to develop a national strategy for combating the financing of terrorism and related forms of illicit finance. Section 262 (2) mandates that the U.S. government set out: "Goals, Objectives, and Priorities—A comprehensive research-based long-range quantifiable discussion of goals, objectives, and priorities for disrupting and preventing illicit finance activities within and transiting the financial system of the United States that outlines priorities to reduce the incidence, dollar value, and effects of illicit finance."

⁷ See, for example, Interpretive Note for FATF Recommendation 1 (describing the risk-based approach). The FATF Recommendations (updated July 2019), p.28, available at <http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF%20Recommendations%202012.pdf>; see also FinCEN, Joint Statement on Risk-Focused Bank Secrecy Act/Anti-Money Laundering Supervision, Jul. 22, 2019 (*Joint Supervision Statement*), available at <https://www.fincen.gov/news/news-releases/joint-statement-risk-focused-bank-secrecy-act-anti-money-laundering-supervision>.

measures to prevent or mitigate illicit finance that takes into account identified and well-understood risks. A variety of stakeholders apply this approach, including government authorities and the private sector. U.S. supervisors use the risk-focused approach to evaluate risk within their regulated sectors and entities, and to guide the frequency and intensity of their activities.⁸ Financial institutions use the risk-based approach to target compliance resources to activities (e.g., to particular business lines, customers, products, or regions) that are identified as higher-risk.⁹ The goal of the risk-based approach is the application of simplified or enhanced measures in response to different risks and focuses the available resources in the areas of highest risk in order to make the greatest impact.

I. How Illicit Proceeds Enter the United States and U.S. Financial System

* The same strengths that make the United States an attractive destination for legitimate investment—a large economy; an open business climate; and the central role U.S. financial institutions and the U.S. dollar play in global trade, investment, and financial services—also can attract criminals and other illicit actors seeking to hide or disguise their ill-gotten gains or fund their dangerous plots. Illicit activity occurs both domestically and internationally and can include money laundering by drug-trafficking organizations, organized crime groups, and perpetrators of fraud, among other criminal elements; fundraising by terrorist groups; and payments or funds transfers to procure dual-use goods or help finance WMD programs. see ←

In 2015, Treasury, in coordination with law enforcement, staffs of the federal functional regulators, and other U.S. government agencies, published, for the first time, the National Money Laundering Risk Assessment (NMLRA) and the National Terrorist Financing Risk Assessment (NTFRA).¹⁰ The findings from both, collectively referred to as the 2015 National Risk Assessments, spurred an increased focus on key threats and vulnerabilities, as reflected in the Federal Bureau of Investigation (FBI) and Internal Revenue Service - Criminal Investigation Division (IRS-CI) money laundering strategies and priorities.¹¹ The 2015 National Risk Assessments were subsequently updated in 2018 and the first-ever National Proliferation

⁸ Id. See also FFIEC BSA/AML Examination Manual, p.13, available at https://bsaaml.ffiec.gov/docs/manual/BSA_AML_Man_2014_v2_CDDBO.pdf.

⁹ See Joint Supervision Statement.

¹⁰ Effectively addressing illicit finance activity in the United States requires a comprehensive understanding of, threats, vulnerabilities, and risks. Additionally, the United States is committed to implementing the global AML/CFT standards set by the FATF. Emphasizing the priority placed on understanding risk, the very first FATF Recommendation requires all countries to identify and understand their money laundering and terrorist finance risk and to communicate those risks to both the public and private sectors. The Treasury's two 2015 national risk assessments are available at: <https://www.treasury.gov/press-center/press-releases/Pages/jl0072.aspx>.

¹¹ Steven M. D'Antuono Section Chief, FBI Criminal Investigative Division, Statement for the Record before the Senate Banking Committee, Nov. 29, 2018, available at <https://www.fbi.gov/news/testimony/combating-money-laundering-and-other-forms-of-illicit-finance>.

Financing Risk Assessment (NPFRA), along with the inaugural 2018 Strategy.¹² The key findings of those assessments are briefly described below with relevant updates.¹³

The findings represent the holistic view of the U.S. government of the most significant illicit finance threats facing the United States. These are:

- • Money laundering linked to—
 - - Fraud (healthcare, tax refund, identity theft, bank, e-mail compromise, elder, romance, and securities);
 - Cybercrimes and cyber-enabled financial crime;
 - Drug trafficking;
 - Transnational organized crime;
 - Human trafficking and smuggling; and
 - - Corruption.
- Terrorist financing.
- WMD proliferation financing.

← forcing Henry to die against his will is terrorist financing. How many others before him + others after these judges gave them immunity?

Both the public and private sectors should use these findings to prioritize the use of tools, authorities, and resources. For public sector stakeholders, this includes law enforcement action, targeted financial measures, the supervision of financial institutions, and the imposition of regulatory obligations. For private sector entities, these findings should also guide deployment of resources to detect and report illicit finance activity and other preventative and risk mitigation measures.

A. Threat Overview

While money laundering, terrorism financing, and WMD proliferation financing differ qualitatively and quantitatively, the illicit actors engaging in these activities can exploit the same vulnerabilities and financial channels.

¹² The 2018 National Illicit Finance Strategy and supporting Risk Assessments are available at <https://home.treasury.gov/news/press-releases/sm581>.

¹³ CAATSA Section 262(3) requires the U.S. government to identify the most significant illicit finance threats to the financial system of the United States and conduct a trend analysis of emerging illicit finance threats.

1. Money Laundering

As noted in the 2015 NMLRA and the 2018 NMLRA, the crimes that continue to generate the bulk of illicit proceeds laundered in or through the United States include fraud, drug trafficking, human trafficking, and public corruption.¹⁴ These crimes are often committed by organized crime groups located both within and outside the United States.

Recent Trends in Fraud: A wide variety of complex fraud schemes, including traditional types of fraud, persist and are increasingly internet-enabled.¹⁵ Law enforcement and policymakers should continue to monitor how fraudulent activity adapts when market, regulatory, and enforcement conditions change, as is the case in the rise of new variations on business email compromise (BEC) schemes and the resurgence of mortgage fraud.

- BEC schemes continue to top the list of cyber-enabled crime.¹⁶ These schemes rely on social engineering and deception to convince victims to send money, usually via wire transfer.
- Extortion letters, elder fraud, romance fraud, synthetic identity fraud, account takeovers, and mortgage¹⁷ and bank fraud cases are also on the rise.¹⁸
- Many of the fraud schemes, as well as drug and human trafficking, use a network of money mules who either unwittingly or knowingly deposit and layer funds on behalf of bad actors. This allows criminals to distance themselves from victims and the source of funds.¹⁹
- Criminals involved in healthcare fraud range from dishonest healthcare providers to organized crime groups²⁰ migrating into the perceived safer and more lucrative business of perpetrating fraud schemes against Medicare and Medicaid.²¹

¹⁴ See 2015 NMLRA at pp. 11 - 21; 2018 NMLRA at p. 2.

¹⁵ Steven M. D'Antuono, section chief, FBI Criminal Investigative Division, "Statement for the Record before the Senate Banking Committee," Nov. 29, 2018, available at <https://www.fbi.gov/news/testimony/combating-money-laundering-and-other-forms-of-illicit-finance>.

¹⁶ 2018 DOJ, Internet Crime Report, p.19, Oct. 2018, available at https://pdf.ic3.gov/2018_IC3Report.pdf.

¹⁷ FBI, Financial Institution/Mortgage Fraud, available at <https://www.fbi.gov/investigate/white-collar-crime/mortgage-fraud>.

¹⁸ DOJ, press release, Mar. 7, 2019, available at <https://www.justice.gov/opa/pr/justice-department-coordinates-largest-ever-nationwide-elder-fraud-sweep-0>.

¹⁹ DOJ, press release, Dec. 4, 2019, available at <https://www.justice.gov/opa/pr/justice-department-announces-landmark-money-mule-initiative>.

²⁰ Medical Identity Theft, Coalition against Financial Fraud, available at <https://www.insurancefraud.org/scam-alerts-medical-id-theft.htm>.

²¹ DOJ, press release, Apr. 9, 2019, available at <https://www.justice.gov/opa/pr/federal-indictments-and-law-enforcement-actions-on-largest-health-care-fraud-schemes>.

With respect to the United States, proliferation financing networks work to circumvent U.S. sanctions or export controls on controlled and dual-use technology. Their activities most frequently intersect with the U.S. financial system through attempts to finance the procurement of controlled U.S.-origin goods or technology, or through attempts to transact in U.S. dollars. While much of this activity takes place in foreign jurisdictions and involves non-U.S. persons, given the importance of the U.S. dollar and financial system to international trade and finance and the difficulty in identifying the underlying illicit connections, U.S. financial institutions often unwittingly process these transactions. On occasion, financial institutions and other businesses and persons willfully engage in sanctions evasion schemes.

B. Vulnerability Overview

Over the past two decades, following the 9/11 terrorist attacks and the 2008 financial crisis, regulated entities such as banks, money service businesses (MSBs), broker-dealers, and casinos have made improvements in their ability to detect and report illicit finance activity as well as their overall AML/CFT compliance efforts. This is in part due to improved compliance practices following a series of civil and criminal enforcement actions by regulators and law enforcement for weakness in AML/CFT controls and policies, along with ongoing examinations and other supervisory measures, and increased public-private information sharing. Law enforcement, the Financial Crimes Enforcement Network (FinCEN), and other U.S. authorities are leveraging USA PATRIOT Act Sections 314(a) and 314(b) as well as other information sharing mechanisms to provide more targeted information to help entities better detect and report illicit finance activity. This reporting in turn improves the U.S. government's overall understanding of risk and trends, as well as its employment of targeted financial and law enforcement measures.

✱ However, irrespective of the illicit purpose, criminals and malign actors generally have one of two financial objectives; they need money to carry out their terrorist or criminal acts or they seek to profit from their crimes. While criminals, organized crime groups, terrorist groups, or proliferation networks may deploy different methods of exploiting vulnerabilities based on a combination of factors, all these methods exploit some vulnerability in the U.S. financial system. This vulnerability may be in law, regulation, supervision, enforcement, or unique attributes of a product or service. Therefore, this area requires a hard look for improved solutions.

As described below, the most significant vulnerabilities in the United States exploited by illicit actors include:

- The lack of a requirement to collect beneficial ownership information at the time of company formation and after changes in ownership;

and maintenance of charity accounts, as the vast majority of U.S.-based tax exempt charitable organizations are not high risk for terrorist financing.¹²⁶

2. Expand the use of Artificial Intelligence and Data Analytics

The use of data analytics has demonstrable value to law enforcement because it can help drive case selection and investigative efficiency. For example, IRS-CI has prioritized the use of data in investigations, using models, algorithms, and millions of records to help identify areas of tax noncompliance.¹²⁷ One particularly noteworthy success has been the launching of the Nationally Coordinated Investigations Unit (NCIU). This unit relies heavily on data analytics to help drive future case selection. In 2019, the NCIU became an official IRS-CI section, and has already referred more than 50 leads to CI field offices. Data analytics have also helped identify potential front companies acting for North Korea and Iran. The U.S. government should continue to identify and apply data analytics to support more efficient use of law enforcement, regulatory and other interagency resources and authorities, such as the detection of and understanding trends in bulk cash smuggling and trade data to aid in TBML investigations.

3. Creatively and Effectively Deploy Targeted Measures to Disrupt Illicit Finance Activity

The U.S. government must continue to use an “all tools” approach through which key law enforcement and interagency partners collaborate and share information. These tools include interagency task forces that can leverage the best authorities and options available to task force components to disrupt illicit finance activity. Law enforcement agencies should continue to innovate in using combinations of criminal and non-criminal justice measures to address financial crime challenges. We must also review our core AML/CFT legal authorities and tools to ensure they are fully capable of addressing emerging trends and threats. This could include exploring options for strengthening our financial sanctions authorities; increasing the list of illicit activities that financial institutions can share information about under Section 314(b) of the USA PATRIOT Act; and expanding, streamlining, or consolidating the current patchwork of crimes that are considered predicate offenses for money laundering and ensuring that a sufficient range of foreign predicates are covered by law.

Law Enforcement Activity and Coordination

Interagency task forces and leveraging financial information have been essential to U.S. law enforcement efforts to disrupt money laundering and the most significant predicate offenses. More recently, U.S. law enforcement has been creative in using non-traditional tools to reduce the occurrence or impact of specific money laundering activity. For example, to address the

¹²⁶ For example, to counter terrorist recruitment and radicalization, the 2018 National Strategy for Counterterrorism includes a specific priority action to increase civil society's role in terrorism prevention.). *National Strategy for Counterterrorism*, p.21, Oct. 2018, available at <https://www.whitehouse.gov/wp-content/uploads/2018/10/NSCT.pdf>.

¹²⁷ IRS-CI Annual report, 2018, available at https://www.irs.gov/pub/irs-utl/2018_irs_criminal_investigation_annual_report.pdf.

growing use of money mules to move fraud proceeds within and out of the United States, the FBI conducted an intensive assessment of financial institution reporting to identify possible complicit individuals. Using this information, the FBI then used a combination of non-criminal measures, including warning letters and victim engagement to deter possible mules and raise awareness among victims.¹²⁸

Law enforcement agencies have responded to the rise in complex internet-enabled fraud by focusing on an immediate response to help recover fraud proceeds for victims, particularly for individuals and small and medium-sized businesses. Given the sophisticated nature and speed of these schemes, law enforcement must be able to take timely action to reverse the wire transfer or request a wire recall of a SWIFT message.¹²⁹ Other initiatives include:

- To combat financial activity associated with human trafficking and disrupt the illicit use of the financial system, the U.S. government will coordinate and leverage financial intelligence to target, investigate, and apply the full range of civil and criminal enforcement actions against priority human traffickers and facilitators.¹³⁰
- U.S. law enforcement will further leverage existing authorities and programs to address current TBML risks. For example, to address the role of PMLNs, to include Chinese money brokers, in recycling drug trafficking proceeds generated in the U.S., authorities should target these networks, which are operating illegal money transmission businesses. These efforts should raise awareness among financial institutions through outreach and working groups. Additionally, improved data analytics on trade data should be shared among law enforcement to better identify and investigate TBML.¹³¹
- To combat corruption-related financial activity, U.S. authorities will continue to enforce the Foreign Corrupt Practices Act and target the proceeds of foreign corruption and the facilitators who launder these assets through the United States, through DOJ's specialized programs addressing these related threats.¹³²

¹²⁸ FBI, press release, Dec. 4, 2019, available at <https://www.fbi.gov/news/stories/money-muling-is-illegal-120419>.

¹²⁹ Kenneth Blanco, Director, FinCEN, Prepared Remarks at the NYU Law Program on Corporate Compliance and Enforcement, Jun. 12, 2019, available at <https://www.fincen.gov/news/speeches/prepared-remarks-fincen-director-blanco-nyu-law-program-corporate-compliance-and>.

¹³⁰ On January 31, 2020, the President signed an E.O. to enhance U.S. government efforts to combat human trafficking. The E.O. is available at <https://www.whitehouse.gov/presidential-actions/executive-order-combating-human-trafficking-online-child-exploitation-united-states/>.

¹³¹ For additional information on U.S. government efforts to identify and combat TBML, see Government Accountability Office, GAO-20-314R, "U.S. Efforts to Combat Trade-Based Money Laundering, Dec. 30, 2019, available at <https://www.gao.gov/products/GAO-20-314R>.

¹³² This includes the FCPA Unit and the Kleptocracy Asset Recovery Initiative, both housed within DOJ's Criminal Division, in the Fraud Section and Money Laundering and Asset Recovery sections, respectively. These programs, supported by law enforcement agency partners, work in a complimentary way to attack the root cause of corruption and its aftereffects on the U.S. financial system.