

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NEIL K. ANAND,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 23-2527
	:	
UNITED STATES DEPARTMENT OF JUSTICE, <i>ET AL.</i> ,	:	
	:	
Defendants.	:	

[PROPOSED] ORDER

AND NOW, this _____ day of _____, 2023, upon consideration of the government’s Motion to Reassign Related Case, and further upon consultation with the assigned judges in the above-captioned cases, all in accordance with Local Rule of Civil Procedure 40.1(IV)(c), it is **ORDERED** that the motion is **GRANTED** as follows:

1. Civil Action No. 23-2527 is **REASSIGNED** from the calendar of the Honorable Chad F. Kenney to the calendar of the Honorable Gene E. K. Pratter, as related to Criminal Action No. 19-518-01 that is pending before Judge Pratter.

FOR THE COURT:

 JUAN R. SÁNCHEZ
 Chief Judge

ATTEST:

 GEORGE V. WYLESOL
 Clerk of Court

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UNITED STATES DEPARTMENT OF	:	
JUSTICE, <i>ET AL.</i> ,	:	
	:	
Defendants.	:	

THE GOVERNMENT’S MOTION TO REASSIGN A RELATED CASE

Plaintiff Neil K. Anand filed this related civil action during the pendency of his criminal prosecution in this District. These actions are currently pending before two different judges of this Court.¹ As set out in the accompanying memorandum of law, this action arises out of the same occurrence—his current criminal prosecution and the underlying related investigation—and therefore should be assigned to the same judge. Anand’s claims in this civil action—related to pending requests for information under the Freedom of Information Act, 5 U.S.C. § 552—seeks information that he alleges may be relevant to his upcoming criminal trial. Thus, under Local Rule of Civil Procedure 40.1(IV)(c), the government respectfully requests that Anand’s related civil matter be reassigned to the Honorable Gene E. K. Pratter, before whom his criminal matter is currently pending.

¹ Anand acknowledged and noted the relatedness of these two matters in the Civil Cover Sheet when he filed his complaint. *See* Dkt. No. 2 at p. 1 (Civil Action No. 23-2527).

Respectfully submitted,

JACQUELINE C. ROMERO
United States Attorney

/s/ Susan R. Becker for
GREGORY B. DAVID
Chief, Civil Division
Assistant United States Attorney

/s/ Fernando I. Rivera
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Counsel for Defendants

Dated: August 16, 2023

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NEIL K. ANAND,	:	
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Plaintiff,	:	
	:	
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	:	
UNITED STATES DEPARTMENT OF JUSTICE, <i>ET AL.</i> ,	:	
	:	
Defendants.	:	

**THE GOVERNMENT’S MEMORANDUM OF LAW
IN SUPPORT OF ITS MOTION TO REASSIGN A RELATED CASE**

These two related matters, Civil Action No. 23-2527 and Criminal Action No. 19-518-01, are currently pending before two different judges of this District. On June 29, 2023, Neil K. Anand filed this related civil action during his criminal prosecution in this District seeking relief in the form of, *inter alia*, “critical and relevant [FOIA] documents and information for *Brady*,

¹ *Giglio*,² exculpatory, and impeachment purposes for criminal proceedings” in his pending criminal matter. Given the relatedness of this matter and his pending criminal prosecution—including the potential for inconsistencies regarding evidentiary issues, scheduling, or surprise at his criminal trial—the government files this motion for reassignment of this civil matter to the judge to whom the criminal matter is assigned.

On September 10, 2019, a criminal action was commenced against Anand and three co-conspirators. The action was assigned to Judge Pratter. On December 6, 2022,

¹ Refers to evidentiary standards set forth in *Brady v. Maryland*, 373 U.S. 83 (1963).

² Refers to evidentiary standards set forth in *Giglio v. United States*, 405 U.S. 150 (1972).

a federal grand jury in this District returned a Superseding Indictment charging Anand and three co-conspirators with: (1) one count of conspiracy to commit health care fraud and wire fraud, in violation of 18 U.S.C. § 1349; (2) three counts of health care fraud in violation of 18 U.S.C. § 1347; (3) one count of laundering of monetary instruments in violation of 18 U.S.C. § 1956; (4) four counts of unlawful monetary transactions in violation of 18 U.S.C. § 1957; and (5) one count of conspiracy to distribute controlled substances, in violation of 21 U.S.C. § 846. *See* Criminal Dkt. No. 212. Anand’s criminal matter is set to go to trial on January 22, 2024. *See* Criminal Dkt. No. 285.

On June 29, 2023, Anand filed a civil action seeking documents and information related to two pending FOIA requests that he alleges are “critical and relevant” to his defense at his criminal trial.³ *See* Civil Dkt. No. 2. The action was assigned to Judge Kenney. The government has not yet filed any responsive pleading in this civil matter.

The recently revised Local Rules of Civil Procedure provide that “[n]ewly filed cases are related to a prior filed civil case⁴ if they: ... involve a transaction or occurrence which was the subject of an earlier numbered suit.” Local R. Civ. P. 40.1(IV)(a)(ii). Rule 40.1(IV)(c) provides for related cases to be reassigned on motion of defense counsel:

c. Defense counsel may raise the issue of relatedness by motion to the assigned judge before defendant’s initial pleading. The motion must be filed on the docket in each potentially affected case, with a copy delivered to the Chief Judge, who shall decide the issue of relatedness in consultation with the assigned judges in accordance with the provisions of this Rule.

³ Anand’s FOIA requests are still pending administrative review.

⁴ Although the present motion does not involve related *civil* matters, for the reasons herein, the circumstances of these cases require that the judge handling Anand’s criminal matter is aware of and consistent with the rulings and decisions rendered in the civil matter.

The two cases described above are related because they each arise out of the same occurrence, *i.e.*, Anand's criminal prosecution and the underlying related investigation. Moreover, as alleged by Anand, the disposition of the civil matter may have an effect on his defense and/or the presentation of evidence at his criminal trial.

Accordingly, as set out in the accompanying proposed Order, the government respectfully moves under Local Rule 40.1(IV)(c) for the related civil action (No. 23-2527) to be reassigned to Judge Pratter, the judge presiding over Anand's first-filed criminal action. Reassignment will promote interests of judicial economy and efficiency. *See Fed. R. Civ. P. 1.*

Respectfully submitted,

JACQUELINE C. ROMERO
United States Attorney

/s/ Susan R. Becker for
GREGORY B. DAVID
Chief, Civil Division
Assistant United States Attorney

/s/ Fernando I. Rivera
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Counsel for Defendants

Dated: August 16, 2023

CERTIFICATE OF SERVICE

I certify that on this date I caused a copy of the foregoing Motion to Reassign to be filed with the Clerk of Court via electronic court filing and served on all parties.

/s/ Fernando I. Rivera
Fernando I. Rivera
Assistant United States Attorney

Dated: August 16, 2023