

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION**

The United States of America and the States of	)	
North Carolina, California, Colorado,	)	
Delaware, Florida, Georgia, Illinois, Indiana,	)	
Iowa, Louisiana, Michigan, Minnesota, New	)	<b>CA No.: 9:14-cv-00230-RMG</b>
Jersey, New York, Tennessee, Texas, Virginia	)	(Consolidated with 9:11-cv-1593-RMG and
and Wisconsin, <i>ex rel.</i> Scarlett Lutz, Kayla	)	9:15-cv-2485-RMG )
Webster, Dr. Michael Mayes and Chris Reidel,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
Berkeley Heartlab, Inc., BlueWave Healthcare	)	
Consultants, Inc., Latonya Mallory, Floyd	)	
Calhoun Dent, III and Robert Bradford	)	
Johnson,	)	
	)	
Defendants.	)	
	)	
	)	

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**Clerk’s Notice of Prejudgment Attachment and Garnishment**

TO: Trini “D” Island LLC

You are hereby notified that the funds and assets listed in the attached documentation are being taken by the United States of America (the Government) which says that BlueWave Healthcare Consultants, Inc. and Floyd Calhoun Dent, III owes it a debt of \$240,000,000, and \$58,000,000, respectively, before interest, for their role in a scheme to defraud the United States and has filed a lawsuit to collect this debt. The Government says that is must take this property at this time because it entitled to prejudgment remedies under the Federal Debt Collection Procedures Act, 28 U.S.C. §§ 3101(b)(1)(B), 3304(b). The Government wants to make sure that BlueWave Healthcare Consultants, Inc. and Floyd Calhoun Dent, III will pay if the court determines that this money is owed.

In addition, YOU ARE HEREBY NOTIFIED that there are exemptions under the law which may protect some of the property from being taken by the Government if you can show that the exemptions apply. Attached in the Claim for Exemptions Form is a summary of the major exemptions which apply in most situations in the State of South Carolina.

If you are BlueWave Healthcare Consultants, Inc., or Floyd Calhoun Dent and you disagree with the reason the Government gives for taking your property now, or if you think you do not owe the money to the Government that it says you do, or if you think the property the Government is taking qualifies under one of the above exemptions, you have a right to ask the court to return your property to you.

If you want a hearing, you must promptly notify the court. You must make your request in writing, and either mail it or deliver it in person to the clerk of the court at Clerk of the United States District Court, Charleston Federal Courthouse, 85 Broad Street, Charleston, S.C. 29401. If you wish, you may use this notice to request the hearing by checking the box below and mailing this notice to the court clerk. You must also send a copy of your request to the Government at United States Department of Justice Civil Division, Ben Franklin Station PO Box 261, Washington, DC 20044, Attention: Mary Chris Dobbie, so the Government will know you want a hearing. The hearing will take place within 5 days after the clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you think you do not owe the money to the Government, why you disagree with the reason the Government says it must take your property at this time, or why you believe the property the Government has taken is exempt or belongs to someone else. You may make any or all of these explanations as you see fit.

If you think you live outside the Federal judicial district in which the court is located, you may request, no later than 20 days after you receive this notice, that this proceeding to take your property be transferred by the court to the Federal Judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of Court, Charleston Federal Courthouse, 85 Broad Street, Charleston, South Carolina 29401. You must also send a copy of your request to the Government in care of United States Department of Justice Civil Division, Ben Franklin Station PO Box 261, Washington, DC 20044, Attention: Mary Chris Dobbie, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an officer of public legal assistance, or the Clerk of the Court. The Clerk is not permitted to give legal advice, but can refer you to other sources of information.

DATED: This \_\_\_\_ day of February 10, 2016.

ROBIN L. BLUME  
CLERK, UNITED STATES DISTRICT COURT



BY: s/Sandra Shealy  
DEPUTY CLERK

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**REQUEST FOR HEARING AND INSTRUCTIONS  
ON HOW TO CLAIM EXEMPTIONS**

- I do not request a hearing in the above matter.
- I do request a hearing because: \_\_\_\_\_
- I object to garnishment on the following grounds:  
\_\_\_\_\_
- The property that the Government is taking is exempt for the reasons checked on the Claim For Exemption form attached to this request.

I certify that this Original Request for Hearing and Claim for Exemptions (if made) was mailed or delivered to:

Clerk of the United States District Court at Charleston Federal Courthouse  
85 Broad Street  
Charleston, S.C. 29401

And that a true and correct copy of this Request for Hearing and Claim for Exemptions (if made) was mailed or delivered to:

Mary Chris Dobbie  
Trial Attorney  
U.S. Department of Justice  
601 D Street N.W.  
Washington, D.C. 20004

\_\_\_\_\_  
Defendant's Signature

Address:

\_\_\_\_\_  
Defendant's Printed Name

Date:

Telephone No. \_\_\_\_\_  
[Include Area Code]

NOTICE REGARDING PROCEDURES TO CLAIM EXEMPTIONS

The attached prejudgment process has been issued on request of the United States of America. The law provides that certain property and wages cannot be taken. Such property is said to be exempted. This Notice lists the exemptions under Federal law and South Carolina law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the claim for exemption form and (ii) deliver or mail the form to the Clerk's Office of this Court and counsel for the United States. You have a right to a hearing within five (5) business days, or as soon as practicable, from the date you file your claim with the Court.

If the United States of America, as creditor, is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Claim for Exemption Form, which is attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

If the attached process has been issued prejudgment your wages are absolutely exempt from prejudgment garnishment. For a prejudgment garnishment you do not need to file a claim for exemption to receive this exemption, but if you believe your earnings are being withheld, you may file a claim for exemption.

On the day of the hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

**CLAIM FOR EXEMPTION FORM**

I, \_\_\_\_\_, claim that the exemption(s) from \_\_\_\_\_ which are checked below apply in this case:

**LIST OF EXEMPTIONS**

**A. MAJOR EXEMPTIONS UNDER FEDERAL LAW**

- 1. Social Security benefits and Supplemental Security (42 U.S.C. § 407).
- 2. Veterans’ benefits (38 U.S.C. § 5301).
- 2a. Members of armed services (10 U.S.C. § 1440).
- 3. Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n))
- 5. Longshoremen and Harbor Worker’s Compensation Act (33 U.S.C. § 916).
- 6. Blank lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- 6a. Seaman’s, master’s, or fisherman’s wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 11108(a)-11109(a-c)).

Exemptions 1 through 6 above many not be applicable in child support and alimony cases (42 U.S.C. § 659).

- 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- 7. Bankruptcy Code (11 U.S.C. § 522(d) which generally provides exemptions for:
  - (a)\_\_\_ \$22,975 of equity in your residence.
  - (b)\_\_\_ \$3,675 of equity in a motor vehicle.
  - (c)\_\_\_ Jewelry worth up to \$1,550.
  - (d)\_\_\_ Personal property worth up to \$12,250. (However, no single item worth more than \$575 can be claimed as exempt.)

- (e)\_\_\_ Property totaling up to \$1,225 in value, plus up to \$11,500 of any unused amount of the exemption provided in number 11(a) above.
- (f)\_\_\_ \$2,300 of equity in professional books, implements or tools, of your trade or your dependant's trade.
- (g)\_\_\_ Any unmaturred life insurance contract you own, other than credit life insurance.
- (h)\_\_\_ The aggregate value, up to \$12,250, of any accrued dividend or interest under, or loan value of, any unmaturred life insurance contract you own, but only if you are the insured or you are a dependant of the insured.
- (i)\_\_\_ Professionally prescribed health aids for you or your dependants.
- (j)\_\_\_ Unemployment compensation benefits, local public assistance benefits, disability benefits, illness benefits; and alimony, support, and separate maintenance, to the extent these items are reasonably necessary for your support or the support of your dependants.
- (k)\_\_\_ A payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for your support or the support of your dependants, subject to the limitations set forth at Title 11 United States Code Section 522(d)(10)(E)(I)-(iii).
- (l)\_\_\_ Your right to receive, or property that is traceable to,
  - an award under a crime victim's reparation law;
  - a payment on account of the wrongful death of an individual of whom you were a dependant, but only to the extent reasonably necessary for your support or the support of your dependants;
  - a payment under a life insurance contract that insured an individual of whom you were a dependant on the date of the insured's death, but only to the extent reasonably necessary for your support or the support of your dependants;
  - a payment, not to exceed \$22,975, on account of personal bodily injury suffered by you or by an individual of whom you are a dependant; however, payment for pain and suffering or payment to compensate actual pecuniary loss are not exempt under this paragraph;
  - a payment in compensation of loss of your future earnings or the future earnings of an individual of whom you are, or were, a dependant, but only to the extent reasonably necessary for your support or the support of your dependants.



**B. MAJOR EXEMPTIONS UNDER SOUTH CAROLINA LAW**

**NOTE:** The law of the state where you have been domiciled for at least 180 days governs your rights.

**NOTE:** If you have selected the Bankruptcy Code exemptions (line 7 above), you may not also claim the state law exemptions listed below.

___8.	Homestead: Exempted amount up to \$58,225. Joint ownership maximum \$116,510.	SC ST Code § 15-41-30 (A)(1)
___9.	One Motor Vehicle: The debtor's interest, not to exceed \$5,825 in value.	SC ST Code § 15-41-30 (A)(2)
___10.	Household Goods: The debtor's interest, not to exceed \$5,825 in aggregate value in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, or musical instruments, that are held primarily for the personal, family, or household use of the debtor or a dependent of the debtor.	SC ST Code § 15-41-30 (A)(3)
___11.	Jewelry: The debtor's aggregate interest, not to exceed \$1,175 in value, in jewelry held primarily for the personal, family, or household use of the debtor or a dependent of the debtor.	SC ST Code § 15-41-30 (A)(4)
___12.	Cash and Liquid Assets: The debtor's aggregate interest in cash and other liquid assets to the extent of a value not exceeding \$5,825, except that this exemption is available only to an individual who does not claim a homestead exemption. The term "liquid assets" includes deposits, securities, notes, drafts, unpaid earnings not otherwise exempt, accrued vacation pay, refunds, prepayments, and other receivables.	SC ST Code § 15-41-30 (A)(5)
___13.	Tools of the Trade: The debtor's aggregate interest, not to exceed \$1,750 in value, in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor.	SC ST Code § 15-41-30 (A)(6)

___14.	Any Property: The debtor's aggregate interest in any property, not to exceed \$5,825 and must be funded from unused amount of exemptions (A)(1)-(6) of South Carolina State Code §15-41-30.	SC ST Code § 15-41-30 (A)(7)
___15.	Unmatured Life Insurance: Any unmaturred life insurance contract owned by the debtor, other than a credit life insurance contract.	SC ST Code § 15-41-30(A)(8)
___16.	Cash Value of Life Insurance: A value not to exceed \$4,625.	SC ST Code § 15-41-30 (A)(9)
___17.	Professionally Prescribed Health Aids: All are exempt if they are prescribed for the debtor or a dependent of the debtor.	SC ST Code § 15-41-30 (A)(10)
___18.	Social Security: All benefits are exempt.	SC ST Code § 15-41-30 (A)(11)
___19.	Veteran's Benefits: All benefits are exempt.	SC ST Code § 15-41-30 (A)(11)
___20.	Retirement: All benefits are exempt.	SC ST Code § 15-41-30 (A)(11)
___21.	Other Benefits in lieu of Wages: All benefits are exempt.	SC ST Code § 15-41-30 (A)(11)
___22.	Crime Victims' Compensation: An award under a crime victim's reparation law.	SC ST Code § 15-41-30 (A)(12)
___23.	Bodily Injury Payments: All are exempt.	SC ST Code § 15-41-30 (A)(12)
___24.	Certain Life Insurance Benefits: A payment under a life insurance contract that insured the life of an individual of whom the debtor was a dependent on the date of that individual's death, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.	SC ST Code § 15-41-30 (A)(12)

Pursuant to 28 U.S.C. § 1746(2), I declare under the penalty of perjury that the foregoing claim for exemption and fair market value(s) shown above are true and correct.

Executed on this \_\_\_\_\_, day of \_\_\_\_\_, 20\_\_\_\_, in \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Printed Name of Defendant