

ANDRE

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RODERICK HARVEY,
KIRBY DANDRIDGE,
SYLVIA TAYLOR,
KARA THOMPSON,
MELANIE RUSSELL
AND
ADRIANNA TABER,

Defendants,

Cr. No. 22-20258 TLP-atc

18 U.S.C. § 371

42 U.S.C. § 1320d-6(a)(2)

42 U.S.C. § 1320d-6(a)(3)

42 U.S.C. § 1320d-6(b)(1)

42 U.S.C. § 1320d-6(b)(3)

INDICTMENT

THE GRAND JURY CHARGES:

**COUNT 1
(CONSPIRACY)**

1. Title 42, United States Code, Section 1320-d, *et. seq.* also known as "The Health Insurance Portability and Accountability Act of 1996" or "HIPAA," is a federal law enacted to require the creation of national standards to protect sensitive patient health information from being disclosed without the patient's consent or knowledge.

2. At all times material Methodist Healthcare, a/k/a, Methodist LeBonheur Healthcare ("Methodist") was a Healthcare Provider as defined in HIPAA. Methodist maintained hospitals at various locations and provided healthcare services within the Western District of Tennessee. Methodist maintained information systems on which it stored health information and personal identifying information ("individually identifiable health information") on patients to whom it provided healthcare services.

3. Defendant **RODERICK HARVEY** was a resident of Arizona with ties to the Western District of Tennessee. **HARVEY** was a self-described entrepreneur doing business under the moniker "SuitGuyHarvey."

4. Defendant **KIRBY DANDRIDGE** was employed at Methodist as a financial counselor from January 9, 2012, until on or about March 12, 2018.

5. Defendant **SYLVIA TAYLOR** was employed at Methodist as an emergency department financial counselor from March 27, 2000 until on or about April 3, 2018.

6. Defendant **KARA THOMPSON** was employed at Methodist as a financial counselor from June 1, 2015, until on or about August 31, 2018.

7. Defendant **MELANIE RUSSELL** was employed at Methodist in various positions between June 2015, and December 2020, and was employed as a PBX Unit Secretary between approximately January 2019 to December 2020.

8. Defendant **ADRIANNA TABER** was employed at Methodist as a financial counselor between January 14, 2019, until on or about December 17, 2019.

9. In their various positions of employment at Methodist, defendants **DANDRIDGE, TAYLOR, THOMPSON, RUSSELL and TABER**, had access to individually identifiable health information ("patient information") for Methodist patients.

10. Beginning sometime in or before November 2017, and continuing until at least in or about January 2020, in the Western District of Tennessee and elsewhere, defendants,

**RODERICK HARVEY,
KIRBY DANDRIDGE,
SYLVIA TAYLOR,
KARA THOMPSON,
MELANIE RUSSELL,
AND**

ADRIANNA TABER,

did knowingly and willfully, combine, conspire, confederate and agree with each other and with other persons known and unknown to the grand jury, to obtain and cause to be obtained individually identifiable health information relating to individuals, with the intent to sell, transfer, and use such information for personal gain, in violation of Title 42, United States Code, Section 1320d-6(a)(2) and (b)(3).

MANNER AND MEANS OF THE CONSPIRACY

11. It was a part of the conspiracy that defendant **HARVEY** would contact defendants **DANDRIDGE, TAYLOR, THOMPSON, RUSSELL and TABER** and induce them to provide him with Methodist patient information.

12. It was further a part of the conspiracy that the other defendants would access Methodist patient information and provide the same to defendant **HARVEY** without the knowledge, consent or authorization of the patients whose information was being provided to defendant **HARVEY**. In many instances, defendant **HARVEY** would pay the other defendants in exchange for providing the patient information.

13. It was further a part of the conspiracy that defendant **HARVEY** would sell the information to personal injury attorneys, chiropractors and other persons who would use the information to solicit clients and patients.

OVERT ACTS

14. In furtherance of the conspiracy and to accomplish its objectives, at least one of the conspirators committed, among others, at least one of the following overt acts in the Western District of Tennessee.

14.1 On or about December 4, 2017, defendant **HARVEY** paid defendant **DANDRIDGE** \$400 for providing patient information.

14.2 On or about December 10, 2017, defendant **HARVEY** paid defendant **DANDRIDGE** \$400 for providing patient information.

14.3 On or about December 4, 2017, defendant **HARVEY** paid defendant **TAYLOR** \$500 for providing patient information.

14.4 On or about December 11, 2017, defendant **HARVEY** paid defendant **TAYLOR** \$600 for providing patient information.

14.5 On or about March 2, 2018, defendant **HARVEY** paid defendant **TAYLOR** \$1,000 for providing patient information.

14.6 On or about March 12, 2018, defendant **HARVEY** paid defendant **THOMPSON** \$200 for providing patient information.

14.7 On or about May 11, 2018, defendant **HARVEY** paid defendant **THOMPSON** \$600 for providing patient information.

14.8 On or about June 5, 2018, defendant **HARVEY** paid defendant **THOMPSON** \$600 for providing patient information.

14.9 On or about September 11, 2020, defendant **TABER** sent defendant **HARVEY** via text message, names and phone numbers of ten Methodist patients and her Cash App information for purposes of receiving payment for providing the patient information.

14.10 On or about September 7, 2019, defendant **RUSSELL** sent a text message to defendant **HARVEY** in which she agreed to accept \$200 for every ten names of Methodist patients she provided to defendant **HARVEY**.

14.11 On or about September 7, 2019, defendant RUSSELL sent defendant HARVEY names and phone numbers of four Methodist patients via text message.

All in violation of Title 18, United States Code, Section 371.

COUNTS 2-8
**(OBTAINING INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION WITH INTENT
 TO SELL OR TRANSFER FOR FINANCIAL GAIN)**

15. The allegations in paragraphs 1 through 3 of Count 1 of this indictment are realleged and incorporated by reference as if fully set forth herein.

16. On or about each of the dates below, in the Western District of Tennessee, the defendant,

RODERICK HARVEY,

being aided and abetted by the Methodist employee identified below and other persons known and unknown to the grand jury, did obtain individually identifiable health information relating to an individual and did so with the intent to sell, transfer and use such individually identifiable health information for commercial advantage, and personal gain.

COUNT	DATE	METHODIST EMPLOYEE	DESCRIPTION OF INFORMATION
2	11/12/2017	Kirby Dandridge	Names & Phone Numbers of approximately nine Methodist patients
3	11/18/2017	Kirby Dandridge	Names & Phone Numbers of approximately 14 Methodist patients
4	02/06/2018	Sylvia Taylor	Names & Phone Numbers of approximately 12 Methodist Patients
5	02/08/2018	Sylvia Taylor	Names & Phone Numbers of approximately 25 Methodist Patients

6	09/11/2019	Adrianna Taber	Names & Phone Numbers of approximately 10 Methodist Patients
7	09/16/2019	Adrianna Taber	Names & Phone Numbers of approximately 10 Methodist Patients
8	09/07/2019	Melanie Russell	Names, Phone Numbers & ages of approximately 10 Methodist Patients

All in violation of Title 42, United States Code, Section 1320d-6(a)(2) and (b)(3).

COUNT 9
**(WRONGFUL DISCLOSURE
OF INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION)**

17. Between in or about November 12, 2017, and January 29, 2018, in the Western District of Tennessee, the defendant,

KIRBY DANDRIDGE,

did knowingly and in violation of Title 42, United States Code, Section 1306d, disclose individually identifiable health information to **RODERICK HARVEY**.

All in violation of Title 42, United States Code, Section 1320d-6(a)(2).

COUNT 10
**(WRONGFUL DISCLOSURE
OF INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION)**

18. Between on or about November 20, 2017, and March 2, 2018, in the Western District of Tennessee, the defendant,

SYLVIA TAYLOR,

did knowingly and in violation of Title 42, United States Code, Section 1306d, disclose individually identifiable health information to **RODERICK HARVEY**.

All in violation of Title 42, United States Code, Section 1320d-6(a)(2).

COUNT 11
**(WRONGFUL DISCLOSURE
OF INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION)**

19. Between on or about September 11, 2019, and January 16, 2020, in the Western District of Tennessee, the defendant,

ADRIANNA TABER,

did knowingly and in violation of Title 42, United States Code, Section 1306d, disclose individually identifiable health information to **RODERICK HARVEY**.

All in violation of Title 42, United States Code, Section 1320d-6(a)(2).

COUNT 12
**(WRONGFUL DISCLOSURE
OF INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION)**

20. On or about September 7, 2019, in the Western District of Tennessee, the defendant,

MELANIE RUSSELL,

did knowingly and in violation of Title 42, United States Code, Section 1306d, disclose individually identifiable health information to **RODERICK HARVEY**.

All in violation of Title 42, United States Code, Section 1320d-6(a)(2).

COUNT 13
**(WRONGFUL DISCLOSURE
OF INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION)**

21. Between in or about March 11, 2018, and August 6, 2018, in the Western District of Tennessee, the defendant,

KARA THOMPSON,

did knowingly and in violation of Title 42, United States Code, Section 1306d, disclose individually identifiable health information to **RODERICK HARVEY**.

All in violation of Title 42, United States Code, Section 1320d-6(a)(2).

A TRUE BILL:

FOREPERSON

DATE: _____

KEVIN G. RITZ
UNITED STATES ATTORNEY

ANDRE

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22-12058 TLP-atc

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42 U.S.C. § 1320d-6(a)(3)

42 U.S.C. § 1320d-6(b)(1)

42 U.S.C. § 1320d-6(b)(3)

NOTICE OF PENALTIES

COUNT 1

The indictment alleges a violation of Title 18, United States Code, Section 371. Upon conviction maximum possible penalty is 5 years imprisonment, a fine of \$250,000, 3 years supervised release and a mandatory assessment of \$100.

COUNTS 2 THROUGH 8

The indictment charge defendant **HARVEY** with alleged violations of Title 42, United States Code, Section 1320d-6(a)(2). The maximum possible penalty for a single violation where the violation was committed with intent to sell, transfer, or use individually identifiable health information for commercial advantage or personal gain, is 10 years imprisonment, a fine of \$250,000 fine, 3 years supervised release and a special assessment of \$100.

COUNTS 9 THROUGH 13

The indictment alleged violations of Title 42, United States Code, Section 1320d-6(a)(3). The maximum possible penalty for a single violation is one year imprisonment, a fine of \$50,000 fine, one-year supervised release and a special assessment of \$25.