

1 ALBERT B. SAMBAT (CABN 236472)  
CHRISTOPHER J. CARLBERG (CABN 269242)  
2 MIKAL J. CONDON (CABN 229208)  
U.S. Department of Justice  
3 Antitrust Division  
450 Golden Gate Avenue  
4 Box 36046, Room 10-0101  
San Francisco, CA 941092  
5 Tel: 415.934.5300 /Fax: 415.934.5399  
albert.sambat@usdoj.gov  
6

7 JASON M. FRIERSON  
United States Attorney  
8 Nevada Bar No. 7709  
ERIC C. SCHMALE  
9 Assistant United States Attorney  
501 Las Vegas Boulevard South, Suite 1100  
10 Las Vegas, Nevada 89101  
Tel: 702.388.6336 / Fax: 702.388.6418  
11 eric.schmale@usdoj.gov  
*Attorneys for the United States*  
12

13 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

14  
15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18  
19 RYAN HEE,

20 Defendant.  
21

Case No.: 2:21-cr-00098-RFB-BNW

**UNITED STATES' RULE 48 MOTION TO  
DISMISS THE INDICTMENT AS TO  
RYAN HEE**

22 The United States, by and through Albert B. Sambat, Trial Attorney for the United States  
23 Department of Justice, Antitrust Division, hereby respectfully submits this Rule 48 Motion to  
24 Dismiss the Indictment as to Ryan Hee.

1           **I.       FACTUAL AND PROCEDURAL BACKGROUND**

2           On March 30, 2021, Ryan Hee and co-defendant VDA OC, LLC (formerly Advantage  
3 On Call, LLC) were charged in a single-count Indictment with Conspiracy in Restraint of Trade  
4 in violation of the Sherman Act, 15 U.S.C. § 1. Dkt. 1. The Indictment alleges that beginning  
5 in or around October 2016 and continuing to at least in or around July 2017, the exact dates  
6 being unknown to the Grand Jury, in the District of Nevada and elsewhere, Defendant Hee and  
7 others known and unknown to the Grand Jury, knowingly entered into and engaged in a  
8 conspiracy to suppress and eliminate competition for the services of nurses by agreeing to  
9 allocate nurses and to fix the wages of those nurses. The combination and conspiracy engaged  
10 in by Defendant Hee and his co-conspirators was a *per se* unlawful, and thus unreasonable,  
11 restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act (15  
12 U.S.C. § 1). VDA pleaded guilty to the Indictment pursuant to a plea agreement and was  
13 sentenced on October 27, 2022. Dkts. 106 and 108.

14           **II.       DEFENDANT HAS SATISFIED CONDITIONS OF PRETRIAL DIVERSION**

15           On January 23, 2023, the United States and Defendant Hee entered a Pretrial Diversion  
16 Agreement (“PTD Agreement”) before this Court that deferred prosecution of the charged  
17 offense for a period of 6 months with the effective date of September 12, 2022. Dkt. 115.  
18 Defendant Hee was required to report to U.S. Pretrial Services for supervision and to perform  
19 180 hours of community service in the healthcare or education field within the 6-month term of  
20 supervision under the terms of the PTD Agreement. *Id.* at 5. The PTD Agreement also provided  
21 that the charges against Defendant Hee would be dismissed upon successful completion of the  
22 Pretrial Diversion Program and fulfillment of all the terms and conditions of the agreement. *Id.*  
23 at 4.

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1 On March 6, 2023, U.S. Pretrial Services informed the government by letter that  
2 Defendant Hee complied with all of the conditions set forth in the PTD Agreement and verified  
3 that he completed 180 total hours of community service at the Manuel Cortez Elementary School  
4 and the Nevada Childhood Cancer Foundation. Pretrial Services also recommended that the  
5 charges pending against Defendant Hee be dismissed upon expiration of his term of diversion.  
6 Defendant Hee’s 6-month term of supervision expired on March 12, 2023.

7 **III. POINTS AND AUTHORITIES**

8 Federal Rule of Criminal Procedure 48(a) provides that “[t]he government may, with  
9 leave of court, dismiss an indictment, information, or complaint.” Since Defendant Hee has  
10 satisfied all of the conditions of the PTD Agreement, the government now moves this court to  
11 dismiss the indictment as to him.

12 **IV. CONCLUSION**

13 Because Defendant Hee has satisfied all of the conditions of the PTD Agreement, the  
14 Court should grant the United States’ motion and dismiss the Indictment as to Defendant Hee.

15  
16 DATED: March 13, 2023

Respectfully submitted,

17  
18 /s/ Albert B. Sambat  
19 ALBERT B. SAMBAT  
20 CHRISTOPHER J. CARLBERG  
21 MIKAL J. CONDON  
22 Trial Attorneys  
23 U.S. Department of Justice  
24 Antitrust Division