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PERSPECTIVE

## 3-month jury trial during COVID ends with defense win

By **Skyler Romero**

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**A** Los Angeles attorney successfully defended his client against 33 felony counts related to a \$355 million weight loss scam in what appears to be the longest jury trial of the COVID-19 era.

Over three months, Thomas P. O'Brien of Browne George Ross O'Brien Annaguy & Ellis LLP [BGR] defended Dr. Mirali Zarrabi of Beverly Hills, against federal charges that he had participated in a scheme to falsify sleep study results for Surgery Center Management LLC. *United States v. Omidi et al.*, 2:17-cr-00661-DMG (C.D. Cal., filed Oct. 18, 2017).

"It appears to be the longest jury trial in the nation in the last couple of years because of COVID," O'Brien said in an interview Friday. "We believe it's the longest federal criminal case in the Central District of California in memory."

"Obviously we're grateful," said O'Brien, a former U.S. attorney for the Central District of California. "The jury actually listened. They showed up every day, Monday through Friday for three months. That's a long time, especially during COVID."

In the case presided over by U.S. District Judge Dolly M. Gee, jury selection began on Sept. 21. The trial adjourned Thursday with a not-guilty verdict for Zarrabi and a guilty verdict for Surgery Center Management and one of its owners, Julian Omidi.



**O'BRIEN**

The case revolved around a lap band weight loss surgery business known as 1-800-GET-THIN, part of a network of entities including Surgery Center Management and controlled by Omidi. Zarrabi administered sleep studies for prospective patients of the program to test for sleep apnea.

A Department of Justice news release cited evidence from the case indicating that Omidi falsified results of the tests to convince patients' insurance providers to cover the cost of his program's lap-band surgery.

Prosecutors estimated Omidi's fraudulent billings in the scheme totaled around \$355 million, according to the release.

"Our client did his job and submitted the sleep studies to [Omidi], who ran the sleep study program, and who then falsified them and submitted them to insurance carriers," O'Brien said. "Essentially, we argued our client was a victim of fraud as well. He didn't know what was going on to participate in it and was doing his job."

Zarrabi was acquitted of charges including wire, mail and health care fraud.

According to O'Brien, the court deployed a variety of special COVID-19 protection measures.

"The court was very meticulous in making sure that everyone was wearing a mask unless they were at the lectern or unless the witness was on the stand," he said. "They socially distanced the jurors so some of them were in the audience spread out, and the jurors in the box were spread out as well. The court followed all the COVID protocols."

"It was surprising that we only had one issue," O'Brien continued, "and that was a juror who had been exposed at home by one of her children. So she was released from jury service, but no one else. We had no other issues with witnesses, jurors, courtroom staff, lawyers or the clients."

Gee set Omidi's sentencing hearing for Apr. 6. He faces 20 years in federal prison for each count of wire fraud, mail fraud and money laundering, as well as a mandatory two years for aggravated identity theft.

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