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Texas assistant U.S. attorney deaths raise foul play questions

DOJ news reports, press releases scrubbed from web while autopsies and death certificates raise questions related to national Medicare fraud probe

by *Tom Flocco*

Lee's Summit, Missouri—April 30, 2007—Tom Flocco.com—Samuel Lipari, president of Missouri's Medical Supply Chain, who is suing Novation LLC for anticompetitive practices in the market for hospital supplies, told *TomFlocco.com*, "I don't think it's a coincidence that Criminal Chief of the Dallas U.S. Attorney's office Shannon K. Ross who signed the subpoenas for my case was found dead September 11, 2004 in her home the day before Senate hearings on healthcare anti-trust just after her associate Thelma Colbert was also found dead."



Thelma Quince
Colbert

The Senate was reacting to reports examining fraudulent overcharging by medical care providers like Novation, centered around what Lipari termed "their \$80 billion per year product and service contracts" supplying thousands of U.S. hospitals, nursing homes and clinics, and alleged corruption involving Novation's Irving, Texas operation which includes member Tenet Healthcare where the President's brother Jeb Bush just joined former 9-11 Commission member and Nebraska Senator Bob Kerrey on Tenet's board of directors 18 days ago on April 12, 2007.



Samuel Lipari

"The news blackout and lack of a public investigation regarding two dead senior assistant U.S. attorneys leads me to believe that foul play was involved—these two women were working on the same case. Two attorneys just don't turn up dead and three more in the same unit either resign or get fired all at once," Lipari told us, adding, "less than two months before Ms. Ross' death, Head of the Civil Enforcement Unit of the Fort Worth U.S. Attorney's office Thelma Quince Colbert also turned up dead in her swimming pool on July 20, 2004 after investigating Medicare fraud and money laundering cases involving Novation and others for one and a half years, resulting in subpoenas leading to prosecution."

An individual declining to be named at this time had a recent conversation with New York Times reporter Mary Williams Walsh who wrote one of the most comprehensive early stories on August

21, 2004 regarding the Justice Department's (DOJ) inquiry into healthcare industry purchasing, antitrust issues and other Medicare abuses.

Walsh said the newspaper moved her out of judicial reporting and away from Novation and Medicare fraud after she wrote about the company's subpoenas and Assistant U.S. Attorney Shannon Ross, who our research indicated was an intelligent and diligent senior supervisor of prosecutors who had also acquired a lengthy specialization in narcotics enforcement—but who would soon be found dead just 23 days later:

"Based on the federal codes cited in a copy of one of the subpoenas [Novation, Merck, Bristol-Myers Squibb, Genentech, G.E. Healthcare and Cardinal Health were all cited] investigators are seeking evidence of health care fraud, conspiracy to defraud the United States, theft or bribery involving programs receiving federal funds, obstruction of investigations and other possible violations. The subpoena was signed by Shannon Ross, criminal chief of the United States attorney's office in Dallas."

"Novation members like Tenet Healthcare purchase hospital supplies through Novation, meaning that Novation acts as the gatekeeper with the ability to either impede or allow others to enter the hospital supply market. This is an anti-trust issue regarding the ability to control all the costs as the purchasing agent," said Lipari.

CEO constituent still waiting for help from Missouri Senator McCaskill

After Lipari told us he contacted Missouri Democratic Senator Claire McCaskill via a [March 26, 2007 letter](#) sent to her office, we spoke on Friday to Maria Speiser, McCaskill's press spokesperson who told *TomFlocco.com*, "We never received Mr. Lipari's letter but I know about the case," to which Lipari replied after we called him back, "Senator McCaskill has the letter. I have a copy of the 'privacy waiver' she mailed back to me, seeking my signed permission for her office to commence an investigation of my Medical Supply Chain v. Novation, et al. complaint."

"After more than four weeks I haven't heard a thing from Senator McCaskill despite the suspicious deaths, firings and healthcare fraud-overcharging for hospital supplies contrary to the national interests of Medicare, Medicaid and aging Americans," said the CEO.



Claire C. McCaskill

Lipari's letter to McCaskill described in detail key elements of his legal complaint—two strange deaths and three simultaneous firings or resignations of assistant U.S. attorneys in the same Dallas / Fort Worth white collar prosecuting unit—all within 90 days, a request for help in obtaining the files the FBI was maintaining on his company, revelations that Attorney General Alberto Gonzales was a partner in Vinson & Elkins, LLP which represents defendant Novation, and information regarding Lipari's criminal complaint against Kansas City, MO Magistrate James P. O'Hara who was a managing partner in Shughart, Thomson & Kilroy, the firm "defending a cartel member in my antitrust complaint for obstructing justice in my civil litigation with the Kansas City, Missouri office of the FBI in January, 2006."

All of which raises questions as to why McCaskill, a member of the Senate Special Committee On Aging, failed to contact Senate Judiciary Committee Chairman Patrick Leahy and other key

members of the Democrat majority to help them interrogate Gonzales last week at his Judiciary hearing regarding his conflict of interest and what he knew about the two dead and three fired Texas assistant U.S attorneys and fired U.S. attorneys Carol Lam of San Diego and Todd Graves of Kansas City, all of whom were probing Novation LLC and its members.

DOJ and Senate Judiciary mum on deaths of Ross and Colbert

Extensive online searches including Lexis Nexis by numerous individuals and this writer resulted in finding no press releases or news reports available to the public from the Department of Justice announcing or memorializing Thelma Colbert or Shannon Ross, raising questions as to why Mr. Gonzales would not have ordered a more thorough investigation of the deaths of the two senior Texas DOJ prosecutors found dead within weeks of each other while working on the same case the day before Senate hearings on that case.

This, as three more assistant U.S. attorneys working with the dead women and two U.S. attorneys in California and Missouri were subsequently forced to resign or were fired by Mr. Gonzales while all were involved in prosecuting Novation and its member company Tenet in an \$80 billion dollar Medicare fraud case.

Notwithstanding the [failure of the United States Senate to seek thorough questioning of Mr. Gonzales](#) regarding the timeline-suspect deaths when they had the opportunity last week, questions can also be raised as to why DOJ officials did not place a temporary order to stop the cremation of Shannon Ross' body to prevent loss of physical evidence, given her sensitive narcotics prosecutions and particularly since colleague Thelma Colbert had died a few weeks earlier after preparing the very subpoenas Shannon Ross signed to commence the prosecution of Novation.

A call to the Dallas county medical examiner's office regarding Shannon Ross revealed that the cause on her death certificate was listed as radiculomeningomyelitis, defined on multiple medical websites as "the inflammation of the spine and inflammation of the nerve roots, the meninges and spinal cord."

Ross' strange death as a seemingly healthy 44 year-old woman who led an active, clean, church-driven and professionally fulfilling life after which she died suddenly apparently never even merited a DOJ press release-same for Thelma Colbert who was head of her unit.

Why didn't the Senate Judiciary Committee ask Mr. Gonzales about this incongruity? Did McCaskill tell them about her letter from Lipari?

Ross' cause of death was also referred to as meningomyeloradiculitis or inflammation of the meninges, spinal cord and roots of the spinal nerves; and interestingly, we also found that radiculomeningomyelitis occurs in adult horses who present lesions with numerous nematode eggs and protozoan larvae that are found in fecal samples, muscles, skin, eyes, blood and tracheal and nasal washes.

Given that her obituary said Ross died suddenly, questions also remain why senators and DOJ officials never treated her death more seriously since as criminal chief, she supervised 70 criminal prosecutors in the 100-county North Texas division, working closing with both the FBI and the Secret Service while specializing in narcotics enforcement prosecutions.

All of which leads one to consider whether the Justice Department or the Senate ever thought to investigate whether money was being stolen from Medicare and then possibly replaced with narcotics proceeds which needed to be laundered into the U.S. banking system.

Shannon K. Ross, 44, graduated first in her Baylor University law school class, while her obituary also noted her enthusiastic and committed Christian witness as an elder and Sunday school teacher at the Rowlett, Texas First Christian Church where she had just received a full scholarship to Texas Christian University Divinity School that fall to commence a planned career change from the law to fulltime Christian ministry.

As for Thelma Colbert, according to a citizen researcher we contacted, the Fort Worth Police Department initially sealed the medical examiner's report.

TomFlocco.com was told that Colbert's adult daughter had gone upstairs to bed after she and her mother had dinner and drinks together which presented a normal amount of alcohol in Colbert's bloodstream according to the autopsy, after which she was found the next morning by her daughter, face down in the family swimming pool.

As this report is being published we have not acquired an actual copy of the medical report, and it is not known if Colbert was clothed, partially clothed or wearing a bathing suit when she was found in her swimming pool.

There is no additional information regarding the direction of the investigation of Colbert's death at the time she died, or who performed her autopsy, since there was a substantial length of time between when she was last seen alive and the discovery of her body.

The only reference to the death of Thelma Quince Colbert, 55, that we could find—no obituary, local news report or DOJ press release—was located at her Southern University Law Center's Alumni Hall of Fame website where she received the 1998 Distinguished Alumnus Award while having served as the first editor-in-chief of the school's law review and where she was first in her class, graduating summa cum laude.

Southern University established a scholarship in her name to honor her achievements while Colbert also received a tribute and memorial article in the Fall 2004 issue of the American Bar Association magazine, otherwise there was no mention of her death anywhere else.

One could interpret the response of the Department of Justice to the Colbert and Ross deaths to be that the two never existed in the first place.

Elderly Americans being defrauded by billions in gross overspending for medical supplies might wonder if the suspicious collapse of the Dallas-Fort Worth white collar prosecution unit working the Novation case—attributable to strange deaths and simultaneous multiple resignations or firings—had anything to do with the firings of U.S. Attorneys in San Diego and Kansas City, Missouri also prosecuting healthcare fraud.

We may never know.

The Senate Judiciary Committee forgot to ask Attorney General Alberto Gonzales last week.

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