

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

vs.

ROLLS-ROYCE PLC,

Defendant.

**CASE NO. 2:16-CR-00247
CHIEF JUDGE SARGUS**

GOVERNMENT’S MOTION TO DISMISS INFORMATION

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States of America, by and through undersigned counsel, hereby moves to dismiss the Information filed in the above-captioned case against defendant Rolls-Royce plc (hereinafter “Rolls Royce”). In support of this motion, the Government states as follows:

1. On December 20, 2016, the Government filed an Information charging Rolls Royce with conspiring to violate the anti-bribery provision of the Foreign Corrupt Practices Act of 1977 (“FCPA”), 15 U.S.C. §§ 78dd-2 and 78dd-3, in violation of 18 U.S.C. § 371. Dkt. No. 3.

2. On December 20, 2016, the Government also filed a deferred prosecution agreement (“DPA”) in this case, in which the Government recommended that the prosecution of Rolls Royce be deferred for a period of three years. Dkt. No. 4. Among other obligations, the DPA required Rolls Royce to cooperate with the Government’s investigation and to implement an enhanced compliance program. Rolls Royce was also required to pay a criminal monetary penalty of \$169,917,710 to the United States Treasury.

3. The DPA provided that the Government would not continue the criminal prosecution against Rolls Royce and would move to dismiss the Information within six months of the expiration of the DPA, if Rolls Royce fully complied with all of its obligations. Dkt. No. 4, DPA ¶ 13. The DPA expired on or about December 20, 2019.

4. On February 27, 2020, Rolls Royce's Chief Executive Officer and Chief Financial Officer certified to the Government that Rolls Royce has met its disclosure obligations pursuant to paragraph 6 of the DPA.

5. Based on the information known to the Government, Rolls Royce has fully met the obligations under the DPA, including full cooperation with the Government and implementation of an enhanced compliance program and procedures. In addition, Rolls Royce has made timely payment of the \$169,917,710 monetary penalty.

6. Because Rolls Royce has fully complied with all of its obligations under the DPA, the Government has determined that dismissal of the Information with prejudice is appropriate. *See* Dkt. No. 4, DPA ¶ 13. The Government has conferred with counsel for Rolls Royce, who concurs that dismissal is appropriate at this time.

For the foregoing reasons, the Government requests that this Motion to Dismiss be granted.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Dismiss was filed and served electronically using the Court's CM/ECF system on this 13th day of May, 2020.

/s/ Brenda S. Shoemaker