

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 FLOWSERVE POMPES SAS, )  
 )  
 Defendant. )  
 )

Crim. No. 08-035 (RJL)

**GOVERNMENT’S MOTION TO  
DISMISS CRIMINAL INFORMATION**

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States of America, by and through its undersigned counsel, hereby moves to dismiss the criminal information filed in the above-captioned case against defendant Flowserve Pompes SAS (“Flowserve Pompes”). In support of this motion, the government states as follows:

1. On or about February 21, 2008, the United States filed a criminal information charging Flowserve Pompes with conspiracy to commit wire fraud and to violate the books and records provisions of the Foreign Corrupt Practices Act (“FCPA”), in violation of Title 18, United States Code, Section 371. Dkt. Entry No. 1.

2. On the same date, the United States and Flowserve Corporation (“Flowserve”), Flowserve Pompes’s parent, entered into a three-year deferred prosecution agreement (“DPA”), which was filed with the Court on the same date. Dkt. Entry No. 1, Attachment 1. The DPA required, among other things, that Flowserve acknowledge responsibility for the actions of Flowserve Pompes, whose employees and agents paid kickbacks to the Iraqi government in order to obtain contracts with Iraqi ministries during the United Nations Oil-for-Food Program. *Id.* ¶ 4 & App. A. As part of the DPA, Flowserve also agreed, among

other things, to pay a \$4 million penalty; continue to cooperate with the United States; and adhere to certain compliance undertakings. *Id.* ¶¶ 5, 7 & 8.

3. Flowserve paid the \$4 million penalty on or about March 12, 2008. Flowserve also fully met its obligation of cooperating with the United States. In addition, Flowserve has represented to the United States that it has adhered to its compliance undertakings by, among other things, enhancing and improving its global compliance and ethics program, including its anti-bribery and FCPA program. Remedial measures and internal control improvements included enhanced policies, procedures and tools; additional and more frequent training sessions; additional staffing and resources; deployment of an anonymous reporting system with a hotline and helpline; improved contract review processes; and greater internal controls around the selection, retention and payment of sales representatives, agents and distributors. Additionally, there were numerous site-specific remedial measures deployed at sites at which the conduct that gave rise to the entry of the deferred prosecution occurred.

4. Pursuant to the DPA, if Flowserve fully complied with all of its obligations under the DPA, the United States would not continue the criminal prosecution against Flowserve Pompes and would move to dismiss the criminal information. Dkt. Entry No. 1, Attachment 1, ¶ 10.

5. Given that Flowserve has paid the \$4 million penalty, fully cooperated with the United States, met its compliance obligations and has not otherwise breached the DPA, the United States believes that dismissal is appropriate under the circumstances and is called for by the DPA.

WHEREFORE, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of Court endorsed hereon, the United States hereby moves to dismiss with prejudice the criminal information filed in the instant case. A proposed order is submitted herewith.

Respectfully submitted,

DENIS J. McINERNEY  
CHIEF, FRAUD SECTION  
Criminal Division  
United States Department of Justice

DATED: April 8, 2011  
Washington, D.C.

By: /s/ Nicholas S. Acker  
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**CERTIFICATE OF SERVICE**

I certify that on April 8, 2011, I served a copy of the foregoing motion using the CM/ECF system on the following:

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**ORDER**

Upon the unopposed motion of the United States dated April 8, 2011, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, to dismiss the information in this case, and the Court having fully considered the motion, it is hereby

**ORDERED** that the Government's motion is granted and the criminal information in the above-captioned case is hereby dismissed with prejudice.

**DONE AND ORDERED** in chambers in Washington, D.C., on April \_\_\_\_, 2011.

\_\_\_\_\_  
HON. RICHARD J. LEON  
United States District Judge

cc: United States Marshals Service  
Chief Probation Officer

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