

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

\_\_\_\_\_  
**UNITED STATES OF AMERICA** )  
 )  
 **v.** )  
 )  
**VOLVO CONSTRUCTION,** )  
**EQUIPMENT, AB,** )  
 )  
 **Defendant.** )  
\_\_\_\_\_ )

**No. 08-CR-069-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 undersigned counsel, hereby moves to dismiss the criminal information filed in the above-captioned case against the defendant, VOLVO CONSTRUCTION EQUIPMENT, AB (“VCE”). As grounds therefore, the government states as follows:

1. On or about March 20, 2008, the United States filed a criminal information charging VCE, as successor to Volvo Construction Equipment International, AB (“VCEI”), with conspiring 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 Aktiebolaget Volvo (“AB Volvo”), VCE’s parent company, entered into a three-year deferred prosecution agreement (“DPA”), which was filed with the Court on March 20, 2008. Dkt. Entry No. 1-2. The DPA required, among other things, that AB Volvo acknowledge responsibility for the actions of two of its subsidiaries, including VCE as successor to VCEI, 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.* at Appendix A, 5-9. As part of the DPA, AB Volvo agreed to pay a \$7,000,000 penalty, to continue to cooperate with the United States, and to review its internal controls, policies and procedures and, where necessary, adopt new or modify existing internal controls, policies and procedures to ensure compliance with the FCPA and other applicable anti-corruption laws. *Id.* at 2-4.

3. AB Volvo paid the \$7,000,000 penalty on or about March 28, 2008. AB Volvo also met fully its obligation of cooperating with the United States, and reviewing and modifying its internal controls, policies and procedures.

4. Pursuant to the DPA, if AB Volvo fully complied with all of its obligations under the DPA, the United States would not continue the criminal prosecution against AB Volvo or its two subsidiaries, and would move to dismiss the criminal information against AB Volvo's two subsidiaries, including the criminal information filed in the instant case, upon expiration of the DPA's three-year term. *Id.* at 5.

8. Given that AB Volvo has paid a \$7,000,000 penalty, fully cooperated with the United States, met its obligations regarding improving its compliance policies and procedures to ensure compliance with the FCPA and other applicable anti-corruption laws, and has not otherwise breached the DPA, the United States believes that dismissal is appropriate under the circumstances and pursuant to the agreement between the United States and AB Volvo contained in 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 the criminal information filed in the instant case. A proposed order is attached.

Respectfully submitted,

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

DATED: May 17, 2011  
Washington, D.C.

By: /s/ Daniel S. Kahn  
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**CERTIFICATE OF SERVICE**

I certify that on May 17, 2011, I served a copy of the foregoing motion using the CM/ECF system on:

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**ORDER**

Presently pending before this Court is the Government’s May 17, 2011 Motion to Dismiss in the above-captioned case filed pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure. Having carefully considered this request, 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 May \_\_\_\_, 2011.

\_\_\_\_\_  
RICHARD J. LEON  
UNITED STATES DISTRICT COURT JUDGE

cc: United States Marshals Service  
Chief Probation Officer

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