

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA | ) |                                |
|                          | ) |                                |
| v.                       | ) | CRIMINAL NO. 4:10-771-01 (LNH) |
|                          | ) |                                |
| PRIDE FORASOL, S.A.S.,   | ) |                                |
|                          | ) |                                |
| Defendant.               | ) |                                |

**GOVERNMENT’S UNOPPOSED MOTION TO TERMINATE PROBATION**

The United States of America, by and through its undersigned counsel, hereby moves to terminate the term of probation of the defendant, Pride Forasol, S.A.S. (“Pride Forasol”), in the above-captioned matter, pursuant to Title 18, United States Code, Section 3564(c) and Federal Rule of Criminal Procedure 32.1(c)(2). Counsel for the defendant and the U.S. Probation Office do not oppose this motion. In support of this motion, the government states as follows:

1. On December 7, 2010, Pride Forasol entered a plea of guilty to a criminal information filed by the United States (Docket No. 1) charging Pride Forasol with conspiracy to violate the anti-bribery provisions of the Foreign Corrupt Practices Act of 1977 (“FCPA”), as amended, 15 U.S.C. § 78dd-3, and the books and records provisions of the FCPA, 15 U.S.C. §§ 78m(b)(2)(A), 78m(b)(5) and 78ff(a), all in violation of 18 U.S.C. § 371; violating the anti-bribery provision of the FCPA, 15 U.S.C. § 78dd-3; and aiding and abetting the falsification of books, records and accounts, in violation of 15 U.S.C. § 78m(b)(2)(A), 78m(b)(5) and 78ff(a) and 18 U.S.C. §2.

2. On the same date, the Court imposed sentence and judgment against Pride Forasol that included a criminal fine of \$32,625,000 and a three-year term of unsupervised probation.

(Docket No. 25.) The payment of the fine was satisfied in full on December 20, 2010, by the defendant's parent corporation, Pride International, Inc. (*See* Docket No. 27.)

3. The government is not aware of any violations by Pride Forasol of the conditions of probation imposed by the Court.

4. Pride Forasol has been on probation for more than one year, so it is eligible for early termination of probation under 18 U.S.C. §3564(c).

5. On November 1, 2010, Pride International, Inc. ("Pride") entered into a Deferred Prosecution Agreement with the United States ("DPA") (*See* Docket No. 5 in related Criminal Action No. 4:10-766-01). Pride adhered to the undertakings required by the DPA by, among other things, (a) instituting and maintaining a compliance and ethics program on behalf of itself and Pride Forasol that is designed to prevent and detect violations of the FCPA, among other laws; (b) maintaining internal controls, policies and procedures to ensure that books, records and accounts are fairly and accurately made and kept; and (c) reducing its reliance on third-party business partners and subjecting third-party business partners to appropriate due diligence requirements pertaining to the retention and oversight of agents and business partners.

6. On May 31, 2011, Ensco plc ("Ensco") acquired Pride in a merger and assumed the obligations of Pride under the DPA. (*See* DPA ¶24.) Since the merger, the business operations of both Pride and its subsidiary, Pride Forasol, have been integrated into those of Ensco.

7. Ensco has represented that after the merger, (a) Pride's business units, including those of Pride Forasol, have become subject to Ensco's compliance and ethics program, which is designed to prevent and detect violations of the FCPA, among other laws; (b) that Ensco maintains internal controls, policies and procedures to ensure that books, records and accounts

are fairly and accurately made and kept; and (c) that Ensco conducts appropriate due diligence pertaining to the retention and oversight of agents and business partners. Ensco has further represented that its General Counsel, its Chief Compliance Officer, and its Director of Internal Audit are responsible for the implementation and oversight of compliance with policies, procedures and internal controls regarding the FCPA and other applicable anti-corruption laws across the entire Ensco organization, and that these corporate officers directly report to the Chair of the Audit Committee of the Board of Directors.

8. In light of the foregoing circumstances, continuing the term of the defendant's probation is not required to "protect the public from further crimes of the defendant." *See* 18 U.S.C. §3553(a). Further, the sentence imposed reflected the seriousness of the offense and has promoted respect for the law and "adequate deterrence" against international corruption. *See id.* The government, therefore, has determined that no further purpose of the United States in the enforcement of the federal criminal laws would be served by continuing the term of probation imposed on Pride Forasol.

9. Pursuant to Federal Rule of Criminal Procedure 32.1(c)(2), a hearing is not required to terminate the defendant's term of probation upon motion of the government.

10. In a related motion filed in Criminal Action No. 4:10-766-01, the United States is seeking to dismiss the criminal information filed against Pride on November 4, 2010, in connection with the DPA entered with Pride and filed with the Court on the same date, as the government has determined that the continued deferred prosecution of Pride is no longer warranted.



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 )  
 PRIDE FORASOL, S.A.S., )  
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 Defendant. )

**[PROPOSED] ORDER TERMINATING PROBATION**

Upon the unopposed motion of the United States, dated November 2, 2012, pursuant to 18 U.S.C. §3564 (c) and Federal Rule of Criminal Procedure 32.1(c)(2), to terminate the term of probation imposed on the defendant, Pride Forasol, S.A.S, and the Court having fully considered the motion and the applicable factors set forth in 18 U.S.C. §§ 3564(c) and 3553(a), it is hereby

**ORDERED** that the Government's motion is granted in the interest of justice and that Pride Forasol's term of probation is terminated as of the date of this Order.

Dated: \_\_\_\_\_, 2012

\_\_\_\_\_  
HON. LYNN N. HUGHES  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I certify that on November 2, 2012, a copy of the foregoing Motion to Terminate Probation and Proposed Order were delivered via electronic mail to

Home E. Moyer, Esq.  
Miller & Chevalier Chartered  
655 Fifteenth Street NW, Suite 900  
Washington, D.C., 20005,

attorney for the above-listed defendant.

/s/

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Adam G. Safwat  
Deputy Chief, Fraud Section