

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	
v.	:	<b>Case No. 4:07-CR-00130</b>
	:	
<b>BAKER HUGHES INCORPORATED,</b>	:	
	:	<b>Judge Gray H. Miller</b>
<b>Defendant</b>	:	
<hr/>	:	

**MOTION TO DISMISS INFORMATION WITH PREJUDICE**

NOW COMES the United States of America by undersigned counsel and respectfully moves this Honorable Court for an Order dismissing the pending criminal Information filed in this matter, with prejudice, because the defendant corporation has complied with its obligations under the Deferred Prosecution Agreement. In support of this motion, the United States represents as follows:

1. On April 11, 2007, the United States filed a three-count criminal Information in this case charging defendant Baker Hughes Incorporated (“Baker Hughes”) with conspiracy to violate the laws of the United States in violation of 18 U.S.C. § 371, namely the Foreign Corrupt Practices Act of 1977 (“FCPA”), as amended, 15 U.S.C. §§ 78dd-1, *et. seq.* (Count One); a substantive violation of the FCPA, 15 U.S.C. § 78dd-1(a) (Count Two); and falsification of books and records in violation of 15 U.S.C. §§ 78m(b)(2)(A), 78m(b)(5) and 78ff(a) (Count Three).

2. Also on April 11, 2007, the United States filed with this Court a Deferred Prosecution Agreement (the “Agreement”) executed by the parties under which the United States agreed to defer any prosecution of Baker Hughes on the charges contained in the Information for a period of two years, in exchange for Baker Hughes’s promises, among other things, to cooperate fully with the United States, to implement a remedial compliance and ethics program designed to detect and prevent violations of the FCPA, U.S. commercial bribery laws and foreign bribery laws throughout its operations, and to engage an independent corporate compliance Monitor for a period of three years who would conduct a comprehensive review of the controls, policies and procedures of Baker Hughes and all its affiliates and subsidiaries related to compliance with the FCPA, U.S. commercial bribery laws and foreign bribery laws.

3. On April 26, 2007, the Court approved and entered the Agreement as executed by the parties in open court. Under the terms of that Agreement, the criminal Information remains on the Court’s docket until it is either dismissed or prosecuted on motion of the United States, in order to allow defendant Baker Hughes to demonstrate its good conduct. The Agreement expired on April 26, 2009.

4. The United States has determined that Baker Hughes has fully complied with all of its obligations under the Agreement and that an Order dismissing the

Information with prejudice is appropriate under Paragraph 17 of the Agreement. A proposed Order for this purpose is attached.

WHEREFORE, the United States respectfully requests the Court to enter an Order dismissing the pending criminal Information in this case with prejudice.

Respectfully submitted,

STEVEN A. TYRRELL  
Chief, Fraud Section

By: /s/ Mark F. Mendelsohn  
MARK F. MENDELSON  
Deputy Chief, Fraud Section

By: /s/ John A. Michelich  
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By: /s/ James R. Buchanan  
JAMES R. BUCHANAN  
Assistant United States Attorney  
United States Attorney's Office  
Southern District of Texas

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing Notice has been forwarded by U.S. Mail and fax to the following counsel on April \_\_\_\_\_, 2009:

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Southern District of Texas

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	:	<b>Judge Gray H. Miller</b>
<b>Defendant</b>	:	
_____	:	

**ORDER**

On motion of the United States, and being fully advised in this matter, the Court hereby

ORDERS that the criminal Information pending in this matter be dismissed with prejudice.

\_\_\_\_\_  
GRAY H. MILLER, JUDGE  
United States District Court

DATED: April \_\_\_\_\_, 2009.