

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

UNITED STATES OF AMERICA,)	
)	
v.)	CRIMINAL NO. H-08-00287
)	
WILLBROS GROUP, INC., and)	
WILLBROS INTERNATIONAL, INC.)	
)	
Defendants.)	

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 defendants Willbros Group, Inc. (“WGI”) and its wholly owned subsidiary, Willbros International, Inc. (“WII”) (collectively “Defendants”). In support of this motion, the government states as follows:

1. On or about May 14, 2008, the United States filed an information charging WGI and WII with conspiracy to violate the anti-bribery provisions of the Foreign Corrupt Practices Act of 1977 (“FCPA”), as amended, 15 U.S.C. § 78dd-1, *et seq.*, and the books and records provisions of the FCPA, 15 U.S.C. §§ 78m(b)(2)(A), 78m(b)(5) and 78ff(a), in violation of 18 U.S.C. § 371; payment of bribes, in violation of the FCPA, 15 U.S.C. § 78dd-1 and 78dd-2 and 18 U.S.C. § 2; and falsification of books, records and accounts, in violation of 15 U.S.C. § 78m(b)(2)(A), 78m(b)(5) and 78ff(a). (Dkt. Entry No. 1.)

2. On the same date, the United States, WGI, and WII, entered into a three-year deferred prosecution agreement (“DPA”), which was also filed with the Court on May 14, 2008. (Dkt. Entry. No. 4.) The DPA required, among other things, that WGI and WII acknowledge

responsibility for the actions of its employees and agents who (1) made improper payments to Nigerian government officials in order to obtain (a) contracts for, and related to, the construction of a major natural gas pipeline system in Nigeria and (b) contracts for repair work on existing offshore platforms in Nigeria; (2) made improper payments to Ecuadorian government officials in order to obtain a contract for the rehabilitation of a gas pipeline in Ecuador; and (3) falsified the companies' books and records. (DPA ¶ 2 and App. A (Statement of Facts).) As part of the DPA, the Defendants also agreed, among other things, to pay a \$22 million penalty; continue to cooperate with the United States; and adhere to certain compliance undertakings. (DPA ¶¶ 6, 7 and 10-12.)

3. In accordance with the DPA, WGI and WII paid the \$22 million penalty in four payments on July 28, 2008, May 20, 2009, May 21, 2010 and May 13, 2011.¹ The Defendants have also fully met their obligation of cooperating with the United States. In addition, the Defendants have represented to the United States, and the Independent Corporate Monitor has confirmed, that they have adhered to the compliance undertakings required by the DPA by, among other things, developing and implementing a new ethics and compliance program, including implementing a new code of conduct and devoting additional resources to its compliance department. Remedial measures and internal control improvements included enhanced policies and a revised code of conduct directed at prohibiting corruption; additional and more frequent training for employees, agents and business partners on the enhanced anticorruption policies and procedures; additional staffing and resources dedicated to coordinating and overseeing the implementation and enforcement of the anticorruption program; improved hotline for reporting potential violations of the Code of Conduct; improved accounting system controls designed to ensure the maintenance of accurate books and records; and improved

¹ On March 29, 2012, the Defendants paid \$25 to correct an underpayment from the May 13, 2011 payment.

CERTIFICATE OF SERVICE

I certify that on March 30, 2012, a copy of the foregoing Motion to Dismiss was delivered via electronic mail to Robert Tarun, attorney for the above-listed defendants.

/s/

Laura N. Perkins
Trial Attorney, Fraud Section

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[PROPOSED] ORDER

Upon the unopposed motion of the United States dated March 30, 2012, 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.

HON. SIM LAKE
UNITED STATES DISTRICT JUDGE