

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	
)	CRIMINAL NO.
ARGOS USA LLC,)	4:21-CR-0002-RSB-CLR
f.k.a. ARGOS READY MIX LLC,)	
)	
Defendant.)	
)	

**JOINT NOTICE OF
DEFERRED PROSECUTION AGREEMENT**

Pursuant to Title 18, United States Code, Section 3161(h)(2), the United States and defendant Argos USA LLC (“Argos”) (collectively, the “parties”) hereby notify the Court that a Deferred Prosecution Agreement (“DPA”) has been reached by the parties to resolve the charge in the Information alleging defendant Argos violated Section 1 of the Sherman Act, 15 U.S.C. § 1.

A copy of the DPA has been filed with the Court. ECF No. 4. Under the DPA, defendant Argos admitted to participating in the charged offense and agreed, among other things, to pay a monetary penalty, to cooperate fully with the ongoing investigation and prosecution of others involved in the offense, to maintain a compliance and ethics program, and to conduct periodic reviews and submit annual reports to the Division regarding the remediation and implementation of its compliance program. The parties have also filed a Joint Motion for Deferred Prosecution Continuance seeking to toll the Speedy Trial Act pursuant to the terms

of the DPA. ECF No. 11.

The parties will not seek an initial appearance or hearing on this matter. Courts have held that a DPA “concerns the prosecution’s core prerogative to dismiss criminal charges.” *United States v. Fokker Services B.V.*, 818 F.3d 733, 749 (D.C. Cir. 2016). The Speedy Trial Act provides that time “shall be excluded” subject to the court’s determination that the tolling is “for the purpose of allowing the defendant to demonstrate his good conduct.” 18 U.S.C. § 3161(h)(2); *see United States v. HSBC Bank USA et al.*, 863 F.3d 125, 138 (2d Cir. 2017). In making this determination, courts routinely grant joint motions to toll the Speedy Trial Act pursuant to a deferred prosecution agreement without a hearing or additional briefing. *See United States v. Florida Cancer Specialists & Research Institute, LLC*, 20-cr-00078 (M.D. Fla.); *see also United States v. Kavod Pharmaceuticals LLC (f/k/a Rising Pharmaceuticals, LLC, f/k/a Rising Pharmaceuticals, Inc.)*, 19-cr-0689 (E.D. Pa); *United States v. Heritage Pharmaceuticals Inc.*, 19-cr-0316 (E.D. Pa.); *United States v. Western Union*, 17-cr-0011 (M.D. Pa.).

The parties respectfully request that the Court grant the Joint Motion for Deferred Prosecution Continuance and postpone judgment on the pending charge against Argos until such time the Government requests that this case be returned to the Court’s calendar or dismissed with prejudice.

DATED: January 4, 2021

Respectfully submitted,

By: /s/ Howard Feller

Howard Feller
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Casey Erin Lucier
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CERTIFICATE OF SERVICE

This is to certify that I have on this day served all the parties in this case in accordance with the notice of electronic filing (“NEF”), which was generated as a result of electronic filing in this Court.

Submitted this 4th day of January, 2021.

/s/ Julia Maloney
JULIA MALONEY
Trial Attorney