

UNITED STATES DISTRICT COURT

Eastern District of Michigan

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE
(For Organizational Defendants)

v.

Hino Motors LTDCase Number: 0645 2:25CR20016 (1)
Aaron M. Lewis, Lanny A. Breuer, and
Noam Kutler
Defendant Organization's Attorney**THE DEFENDANT ORGANIZATION:**

<input checked="" type="checkbox"/>	pleaded guilty to count(s)	1 of the Information
<input type="checkbox"/>	pleaded nolo contendere to count(s) which was accepted by the court	
<input type="checkbox"/>	was found guilty on count(s) after a plea of not guilty	

The organizational defendant is adjudicated guilty of these offenses:

Title & Section / Nature of Offense

18 U.S.C. § 371 Conspiracy to Defraud the United States, to Violate the Clean Air Act, to Commit Wire Fraud, and to Smuggle Goods into the United States

Offense Ended

11/31/2022

Count

1

The defendant organization is sentenced as provided in pages 2 through 8 of this judgment.

- ☐ The defendant organization has been found not guilty on count(s)
- ☐ Count(s) «dismissed_counts» ☐ is ☐ are dismissed on the motion of the United States

It is ordered that the defendant organization must notify the United States attorney for this district and Assistant Attorney General of the Environment and Natural Resources Division within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney and Assistant Attorney General of the Environment and Natural Resources Division of material changes in economic circumstances.

Defendant Organization's
Federal Employer I.D. No.: N/ADefendant Organization's Principal Business Address:
Hino Motors Ltd.
3 Chome-1-1
Hino, Tokyo 191-0003
JapanDefendant Organization's Mailing Address:
Same as business address

March 19, 2025

Date of Imposition of Judgment

s/Mark A. Goldsmith

Signature of Judge

Mark A. Goldsmith
United States District Judge

Title of Judge

03/24/2025

Date

DEFENDANT: Hino Motors LTD
CASE NUMBER: 0645 2:25CR20016 (1)

PROBATION

The defendant organization is hereby sentenced to probation for a term of: 5 years

The defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it is a condition of probation that the defendant organization pay in accordance with the Schedule of Payments of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organization's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

SPECIAL CONDITIONS OF SUPERVISION

- 1) Special Conditions are incorporated herein as detailed in the Rule 11 Plea Agreement, Doc #16, page 9, Paragraph 3(B): Fine; Paragraph 5: Defendant's Obligations; Paragraph 6: The Defendant's Cooperation and Reporting Obligations and Exhibit 3: Corporate Compliance Program; and Exhibit 4: Compliance Reporting Requirements.

DEFENDANT: Hino Motors LTD
CASE NUMBER: 0645 2:25CR20016 (1)

CRIMINAL MONETARY PENALTIES

The defendant organization must pay the total criminal monetary penalties under the schedule of payments.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$400.00	\$521,760,000	None

- ☐ The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
- ☐ The defendant organization must make restitution (including community restitution) to the following payees in the amount listed below.

Fine:

In consideration of the relevant considerations placed on the record and incorporated in the Rule 11 Plea Agreement, the defendant corporation shall pay a fine in the amount of \$521,760,000.00 with interest pursuant to 18 U.S.C. §§ 3572(d)(1) and 3612(f). In light of the defendant's financial position, the Court orders the defendant's compliance with the following installment schedule:

PAYMENT	PAYMENT DEADLINE	AMOUNT TO BE PAID
First	Within 30 days of entry of judgment	\$130,440,000
Second	No later than the one-year anniversary of the entry of judgment	\$130,440,000
Third	No later than the second-year anniversary of entry of judgment	\$130,440,000
Fourth	No later than the third-year anniversary of entry of judgment	\$130,440,000 plus all interest that has accrued as provided below
TOTAL AMOUNT PAID WITHIN 3 YEARS OF ENTRY OF JUDGMENT:		\$521,760,000 plus all accrued interest

- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☒ The defendant organization shall pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution
☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996

DEFENDANT: Hino Motors LTD
CASE NUMBER: 0645 2:25CR20016 (1)

SCHEDULE OF PAYMENTS

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** ☒ Lump sum payments of \$521,760,400 due immediately, balance due
☐ not later than _____, or
☒ in accordance with ☐ C or ☒ D below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C or ☐ D below); or
- C** ☐ Payment in _____ (e.g., *equal, weekly, monthly, quarterly*) installments of \$ _____ over a period of _____ (e.g., *months or years*), to commence _____ (e.g., *30 or 60 days*) after the date of this judgment; or
- D** ☒ Special instructions regarding the payment of criminal monetary penalties:

PAYMENT	PAYMENT DEADLINE	AMOUNT TO BE PAID
First	Within 30 days of entry of judgment	\$130,440,000
Second	No later than the one-year anniversary of the entry of judgment	\$130,440,000
Third	No later than the second-year anniversary of entry of judgment	\$130,440,000
Fourth	No later than the third-year anniversary of entry of judgment	\$130,440,000 plus all interest that has accrued as provided below
TOTAL AMOUNT PAID WITHIN 3 YEARS OF ENTRY OF JUDGMENT:		\$521,760,000 plus all accrued interest

Pursuant to 18 U.S.C. § 3572(d)(3), the Defendant shall notify the Court of any material change in the Defendant's economic circumstances that might affect the Defendant's ability to pay the fine.

All criminal penalties are made to the clerk of the court.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several
Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant organization shall forfeit the defendant organization's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

DEFENDANT: Hino Motors LTD
CASE NUMBER: 0645 2:25CR20016 (1)

ADDITIONAL FORFEITED PROPERTY

Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), a forfeiture money judgment in the amount of One Billion Eighty-Seven Million Dollars and 00/100 (\$1,087,000,000.00) is entered against the defendant in favor of the United States of America. Satisfaction and collection of the forfeiture money judgment shall be made pursuant to the forfeiture terms of the Plea Agreement between the defendant and the United States. The forfeiture money judgment will not be collected upon until such time as described in the Plea Agreement. The order imposing forfeiture money judgment is hereby incorporated by reference. (ECF No. 13).

DEFENDANT: Hino Motors LTD
CASE NUMBER: 0645 2:25CR20016 (1)

STATEMENT OF REASONS

☐ The court adopts the presentence report and guideline applications **WITHOUT CHANGE**.

OR

☐ The court adopts the presentence report guideline applications **BUT WITH THESE CHANGES**:

Waiver of Presentence Report: Based upon the Information and plea agreement which sets forth the advisory guidelines fine range, the applicable 3553(a) factors, an agreement that the Defendant does not have the ability to pay a guidelines range fine, and addresses the issue of restitution, the Court finds pursuant to FRCP 32(c)(1)(A)(ii) that the information in the record enables it to meaningfully exercise its sentencing authority under 18 U.S.C. §3553.

Guideline Range Determined by the Court:

☐ The defendant organization is a criminal purpose organization pursuant to U.S.S.G. §8C1.1.

OR

☐ The calculation of the guideline fine range is unnecessary because the defendant organization cannot pay restitution pursuant to U.S.S.G. §8C2.2(a).

OR

Total Offense Level: N/A
Base Fine: N/A
Total Culpability Score: N/A
Fine Range: N/A

- ☐ Disgorgement amount of \$ _____ is added to fine pursuant to U.S.S.G. §8C2.9.
☐ Fine offset amount of \$ _____ is subtracted from fine pursuant to U.S.S.G. §8C3.4.
☐ Fine waived or below the guideline range because of inability to pay pursuant to U.S.S.G. §8C3.3.

Pursuant to USSG § 8C2.2, the Court did not make a guideline determination. The Court determined that it is readily ascertainable through a preliminary determination of the minimum of the guideline fine range that the organization cannot and is not likely to become able (even on an installment schedule) to pay such minimum guideline fine. Further, the Court used this preliminary determination along with USSG § 8C3.3, Reduction of Fine Based on Inability to Pay, to impose a fine.

RESTITUTION DETERMINATIONS

Total Amount of Restitution: None.

- ☒ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A).
- ☒ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victim's losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B).
- ☐ For offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweighs the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii).

DEFENDANT: Hino Motors LTD
CASE NUMBER: 0645 2:25CR20016 (1)

☒ Restitution is not ordered for other reasons:

The Defendant's agreement to compensate members of the class in Express Freight International v. Hino Motors, Ltd., No. 1:22-cv-22483-DPG (S.D. Fla.) which consists of victims of the underlying criminal conduct that is the subject of this Agreement, and to pay approximately \$437 million divided as follows: (1) a cash fund of \$237 million to be paid evenly to all class members (which includes more than 100,000 class members); (2) an 8-year extended warranty for each vehicle, inclusive of parts and labor, estimated to cost at least \$274 million; and (3) an agreement that if there is a mandatory recall or repair campaign in the next three years, impacted vehicles will automatically receive a new parts warranty with an additional five years of coverage. The fund is non-reversionary, and no monies will be returned to the Defendant.

☐ Partial restitution is ordered, pursuant to 18 U.S.C. § 3553(c) for the following reason(s):

DEFENDANT: Hino Motors LTD
CASE NUMBER: 0645 2:25CR20016 (1)

STATEMENT OF REASONS

- ☒ The sentence is within the guideline range and the court finds no reason to depart from the sentence called for by the application of the guidelines.

Pursuant to USSG § 8C2.2, the Court did not make a guideline determination. The Court determined that it is readily ascertainable through a preliminary determination of the minimum of the guideline fine range that the organization cannot and is not likely to become able (even on an installment schedule) to pay such minimum guideline fine. Further, the Court used this preliminary determination along with USSG § 8C3.3, Reduction of Fine Based on Inability to Pay, to impose a fine.

OR

- ☐ The sentence departs from the guideline range:
- ☐ upon motion of the government, as a result of a defendant's substantial assistance, or
 - ☐ for the following specific reason(s):