

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Docket & File

UNITED STATES OF AMERICA

- against -

17-CR-697 (KAM)

KEPPEL OFFSHORE & MARINE LTD.,

Defendant.

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GOVERNMENT’S UNOPPOSED MOTION TO DISMISS INFORMATION

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States of America, by and through undersigned counsel, hereby moves to dismiss the Information filed in the above-captioned case against defendant Keppel Offshore & Marine Ltd. (hereinafter “KOM”) with prejudice. In support of this motion, the Government states as follows:

1. On December 22, 2017, the Government filed a criminal Information charging KOM with one count of conspiracy to commit an offense against the United States in violation of Title 18, United States Code, Section 371, that is, to violate the anti-bribery provisions of the Foreign Corrupt Practices Act of 1977 (“FCPA”), as amended, Title 15, United States Code, Sections 78dd-3, see ECF Dkt. No. 6 (the “Information”).

2. On December 22, 2017, the Government also entered into a deferred prosecution agreement (“DPA”) with KOM, in which the Government deferred prosecution of KOM for a period of three years. See Court Exhibit 1: Deferred Prosecution Agreement dated December 22, 2017. Among other obligations, the DPA required KOM to cooperate with the Government’s investigation and to implement an enhanced compliance program for a period of at least three years. KOM was also required to pay a criminal monetary penalty of \$422,216,980, of

which \$211,108,490 was credited against a fine paid to the Brazilian authorities and \$105,554,245 was credited against a fine paid to the Singaporean authorities.

3. The DPA provided that the Government would not continue the criminal prosecution against KOM and would move to dismiss the Information within six months of the expiration of the DPA if KOM fully complied with all of its obligations under the DPA. See DPA ¶ 13.

4. On November 23, 2020, KOM's Chief Executive Officer and Chief Financial Officer certified to the Government that KOM had met its disclosure obligations pursuant to paragraph 6 of the DPA.

5. The DPA expired on or about December 22, 2020.

6. Based on the information known to the Government, KOM has fully met its obligations under the DPA, including full cooperation with the Government, implementation of an enhanced compliance program and procedures, and satisfaction of the terms of the provisions regarding self-reporting. In addition, on January 5, 2018, and January 8, 2018, KOM made timely payment of the \$105,554,245 criminal monetary penalty remaining after crediting.

7. Because KOM has fully complied with all of its obligations under the DPA, the Government has determined that dismissal of the Information with prejudice is appropriate. See DPA ¶ 13. The Government has conferred with counsel for KOM, who concurs that dismissal is appropriate at this time.

The application is granted.
SO ORDERED. denied.
s/KAM

Kiyo A. Matsumoto, U.S.D.J.
Dated: June 23, 2021
Brooklyn, New York

For the foregoing reasons, the Government requests that this Motion to Dismiss the Information be granted.

JACQUELYN M. KASULIS
Acting United States Attorney
Eastern District of New York

Respectfully submitted,

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