

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Case No. 16-20810

v.

Honorable George Caram Steeh

TAKATA CORPORATION,

VIO: 18 U.S.C. § 1343

Defendant.

FILED

2017 JAN 13 A 10:44

U.S. DIST. COURT CLERK
EAST DIST. MICHIGAN
DETROIT

FIRST SUPERSEDING INFORMATION

The United States Department of Justice, Criminal Division, Fraud Section and the United States Attorney for the Eastern District of Michigan charge that at all times material to this First Superseding Information:

COUNT ONE
(18 U.S.C. § 1343 – Wire Fraud)

From at least in or around 2000 through at least in or around 2015, in the Eastern District of Michigan, and elsewhere, the defendant, Takata Corporation, through its employees, acting at least in part to benefit Takata and within the scope of their employment, did knowingly, willfully, and with the intent to defraud, having devised and intending to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing such pretenses, representations, and promises were false and fraudulent when made, transmit and cause to be transmitted,

by means of wire, radio, and television communication, writings, signals, pictures, and sounds in interstate and foreign commerce for the purposes of executing such scheme and artifice. Specifically, the defendant, through its employees, engaged in a scheme to defraud its customers by, among other things, fraudulently inducing customers to purchase airbag systems containing non-conforming phase-stabilized ammonium nitrate inflators from Takata by submitting to those customers materially false, fraudulent, and misleading reports and other information that concealed the true and accurate testing results of the airbag inflators. In furtherance of that scheme, the defendant, on or about November 28, 2012, transmitted and caused to be transmitted an interstate wire transfer of \$42,668.40 from Pennsylvania to Detroit, Michigan related to the purchase of airbag systems containing the aforementioned airbag inflators.

All in violation of Title 18, United States Code, Section 1343.

FORFEITURE ALLEGATION

1. Upon conviction of any violation of Title 18, United States Code, Section 1343, as alleged in Count One of this First Superseding Information, defendant, Takata Corporation, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, that constitutes, or is derived from, proceeds traceable to the commission of the offense.

2. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty,

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the property described in paragraph 1. All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c), and Rule 32.2(a) of the Federal Rules of Criminal Procedure.

UNITED STATES OF AMERICA

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Eastern District of Michigan

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U.S. Department of Justice

By: /s/ John K. Neal

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Dated: January 13, 2017