

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,	)	
	)	
v.	)	CRIMINAL NO. 09-cr-00126 (RJL)
	)	
NOVO NORDISK A/S	)	
	)	
Defendant.	)	

**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 defendant Novo Nordisk A/S (“Novo”). In support of this motion, the government states as follows:

1. On or about May 11, 2009, the United States filed an information charging Novo with conspiracy to commit the following offenses against the United States in violation of Title 18, United States Code, Section 371: (a) wire fraud, in violation of Title 18, United States Code, Section 1343; and (b) falsification of the books and records of Novo, in violation of the books and records provisions of the Foreign Corrupt Practices Act of 1977 (“FCPA”), Title 15, United States Code, Sections 78m(b)(2)(A), 78m(b)(5) and 78ff(a). (Dkt. Entry No. 1.)

2. On the same date, the United States and Novo entered into a three-year deferred prosecution agreement (“DPA”), which was also filed with the Court on May 11, 2009. (Dkt. Entry No. 1-1.) The DPA required, among other things, that Novo acknowledge responsibility for the actions of its employees and agents who paid and agreed to pay approximately \$1.4 million in kickbacks to the government of Iraq in order to obtain contracts worth approximately €2 million to supply insulin and other medicines pursuant to the United Nations Oil for Food

Program, and who caused Novo's payment of kickbacks to the government of Iraq to be mischaracterized as commission payments to a sales agent on Novo's books and records. (DPA ¶ 4 and App. A (Statement of Facts).) As part of the DPA, Novo also agreed, among other things, to pay a \$9 million penalty; continue to cooperate with the United States; and adhere to certain compliance undertakings. (DPA ¶¶ 5, 7 and 8.)

3. In accordance with the DPA, Novo paid the \$9 million penalty on or about May 20, 2009. Novo fully met its obligation of cooperating with the United States. In addition, Novo has represented that it has adhered to the compliance undertakings required by the DPA by, among other things, maintaining a business ethics compliance program that emphasizes Novo's commitment to compliance with the FCPA, among other laws; implementing, monitoring, and updating when necessary, policies and procedures that govern interactions with third party business partners and healthcare providers, including policies and procedures regarding (a) the due diligence that must be performed on third party business partners, (b) the process of entering into and maintaining a contractual relationship with a third party business partner, including standard anti-corruption contract clauses, and (c) certifications that must be obtained from third party business partners and employees proposing the engagement of a third party business partner regarding compliance with laws, including anti-corruption laws; maintaining a system of financial and accounting procedures designed to ensure accurate books and records, and routinely assessing those procedures through internal and independent audits; and performing training for its employees and third party business partners on its policies and procedures.

4. Pursuant to the DPA, if Novo fully complied with all of its obligations under the DPA, the United States would not continue the criminal prosecution against Novo and would move to dismiss the criminal information. (DPA ¶ 10.)



**CERTIFICATE OF SERVICE**

I certify that on June 21, 2012, a copy of the foregoing Motion to Dismiss was delivered via electronic mail to Griffith L. Green, attorney for the above-listed defendant.

/s/

Laura N. Perkins  
Trial Attorney, Fraud Section

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**[PROPOSED] ORDER**

Upon the unopposed motion of the United States dated June 21, 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. RICHARD J. LEON  
UNITED STATES DISTRICT JUDGE