

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

**PANALPINA WORLD
TRANSPORT (HOLDING) LTD.,**

Defendant.

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CRIMINAL NO. H-10-769

**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 criminal information filed in the above-captioned case against the defendant, PANALPINA WORLD TRANSPORT (HOLDING) LTD (“Panalpina”). As grounds therefore, the government states as follows:

1. On November 4, 2010, the United States filed a criminal information charging Panalpina with conspiring to violate the Foreign Corrupt Practices Act (“FCPA”), in violation of Title 18, United States Code, Section 371, and violating the anti-bribery provision of the FCPA, in violation of 15 U.S.C. §§ 78dd-3. Dkt. Entry No. 1.

2. On the same date, the United States entered into a three-year deferred prosecution agreement (“DPA”) with Panalpina, which was filed with the Court on November 4, 2013. Dkt. Entry No. 5. Pursuant to the DPA, if Panalpina fully complied with all of its obligations under the DPA, the United States would not continue the criminal prosecution against Panalpina and would move to dismiss the criminal information upon the expiration of the DPA’s three-year term. *Id.* at ¶18.

3. The government has determined that Panalpina has fully complied with all of its obligations under the DPA and that dismissal with prejudice of the Information is therefore appropriate pursuant to Paragraph 18 of the DPA.

4. In a related manner, Panalpina's U.S. subsidiary, Panalpina Inc., pled guilty on December 7, 2010, to one count of conspiring to violate the FCPA, in violation of Title 18, United States Code, Section 371, and to one count of violating the books and records provision of the FCPA, in violation of Title 15, United States Code, Sections 78m(b)(2)(A), 78m(b)(5) and 78ff(a). *See United States v. Panalpina Inc.*, 10-cr-765 (Gilmore, J.), Dkt. Entry Nos. 1, 23 and 21. On December 7, 2010, the Court imposed a criminal fine of \$70,560,000 and a three year term of unsupervised probation. *Id.*, Dkt. Entry No. 16. The fine has been paid in full and the term of probation expires today. The government is not aware of any violations by Panalpina Inc. of the terms of its probation.

5. The government has conferred with counsel for Panalpina, who concurs that dismissal is appropriate at this time.

WHEREFORE, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of Court, the United States hereby moves to dismiss with prejudice the criminal information filed in the instant case. A proposed order is attached.

Respectfully submitted,

JEFFREY H. KNOX
Chief, Fraud Section

By: s/ Adam G. Safwat
Adam G. Safwat
Deputy Chief, Fraud Section,
Criminal Division

U.S. Department of Justice
950 Constitution Ave., N.W.
Washington, D.C. 20530
(202) 353-8609

Dated: December 6, 2013

CERTIFICATE OF SERVICE

I certify that on December 6, 2013, I served a copy of the foregoing motion using the CM/ECF system on defense counsel in this matter.

By: s/ Adam G. Safwat
Adam G. Safwat
Deputy Chief, Fraud Section
Criminal Division
U.S. Department of Justice

