

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

**OFFENSE CHARGED**

VIOLATION: 21 U.S.C. §§ 331(a) and 333(a)(1) - Causing the introduction of a misbranded drug into interstate commerce  
 Petty  
 Minor  
 Misdemeanor  
 Felony  
PENALTY: PLEASE SEE ATTACHMENT

**E-filing**

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

SCIOS, INC.

DISTRICT COURT NUMBER

**CR 11 0461**

DEFENDANT

**MAG**

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

UNITED STATES ATTORNEY'S OFFICE

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY  DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form Joshua B. Eaton, Acting  
 U.S. Attorney  Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) JONATHAN SCHMIDT

**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)  If not detained give date any prior summons was served on above charges
- 2)  Is a Fugitive
- 3)  Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4)  On this charge
- 5)  On another conviction }  Federal  State
- 6)  Awaiting trial on other charges  
If answer to (6) is "Yes", show name of institution

Has detainer been filed?  Yes  No } If "Yes" give date filed

DATE OF ARREST  Month/Day/Year

Or... if Arresting Agency & Warrant were not  
DATE TRANSFERRED TO U.S. CUSTODY  Month/Day/Year

This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS**

**PROCESS:**

SUMMONS  NO PROCESS\*  WARRANT

If Summons, complete following:  
 Arraignment  Initial Appearance

Defendant Address:

Bail Amount: \_\_\_\_\_

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

## ATTACHMENT: MAXIMUM STATUTORY PENALTIES

DEFENDANT: **SCIOS, INC.**

VIOLATION: 21 U.S.C. §§ 331(a) and 333(a)(1) - Causing the introduction of a misbranded drug into interstate commerce

PENALTY:

- a. Maximum fine: A maximum fine of either two hundred thousand dollars (\$200,000.00), or twice the gross gain or loss resulting from the unlawful conduct pursuant to 18 U.S.C. § 3571(c) and (d);
- b. Maximum probation: a term of probation of five (5) years, pursuant to 18 U.S.C. § 3561(c)(2);
- c. Special assessment: a special assessment of one hundred twenty-five dollars (\$125.00), pursuant to 18 U.S.C. § 3013(a)(1)(B)(iii); and
- d. Restitution

1 JOSHUA B. EATON (CSBN 196887)  
Attorney for the United States

FILED  
2011 JUL -7 P 3:02  
RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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E-filing

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MAG

**CR 11 0461**

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. )  
SCIOS, INC., )  
Defendant )

Criminal No.  
VIOLATIONS: 21 U.S.C. §§ 331(a) and  
333(a)(1) - Causing the introduction of a  
misbranded drug into interstate commerce  
SAN FRANCISCO VENUE

INFORMATION

The United States Attorney charges:

Commencing in or about August 2001 and continuing thereafter through at least June 2005, in the Northern District of California and elsewhere, the defendant,

SCIOS, INC.,

by and through its officers, employees, and agents, caused the introduction and delivery for introduction into interstate commerce, from Kansas to various locations throughout the United States, of Natrecor® that was misbranded within the meaning of Title 21, United States Code,

1 Section 352(f)(1), in that its labeling lacked adequate directions for use.

2 All in violation of Title 21, United States Code, Sections 331(a) and 333(a)(1).

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DATED:

JOSHUA B. EATON  
Attorney for the United States

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J. DOUGLAS WILSON  
Acting Chief, Criminal Division

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(Approved as to form: )  
AUSA Jonathan Schmidt

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