

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	
	)	<b>No. 1:16-cr-20968-FAM</b>
<b>TEVA PHARMACEUTICAL</b>	)	
<b>INDUSTRIES LTD.,</b>	)	
	)	
<b>Defendant.</b>	)	

**GOVERNMENT’S 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 Teva Pharmaceutical Industries Ltd. (hereinafter “Teva”). In support of this motion, the Government states as follows:

1. On December 22, 2016, the Government filed an Information charging Teva with conspiring to violate the anti-bribery provision of the Foreign Corrupt Practices Act of 1977 (“FCPA”), 15 U.S.C. § 78dd-1, in violation of 18 U.S.C. § 371, and with violating the internal controls provision of the FCPA, 15 U.S.C. § 78m(b)(2)(B). Dkt. No. 2.

2. On December 22, 2016, the Government also filed a deferred prosecution agreement (“DPA”) in this case, in which the Government recommended that the prosecution of Teva be deferred for a period of three years. Dkt. No. 1. Among other obligations, the DPA required Teva to cooperate with the Government’s investigation, to implement an enhanced compliance program, and to engage an independent compliance monitor for a period of three years. Teva was also required to pay a criminal monetary penalty of \$283,177,348.

3. The DPA provided that the Government would not continue the criminal prosecution against Teva and would move to dismiss the Information within six months of the expiration of the DPA, if Teva fully complied with all of its obligations. Dkt. No. 1, DPA ¶ 15. The DPA expired on or about January 31, 2020.

4. Before that date, on or about November 27, 2019, Teva's monitor certified, pursuant to paragraph 19 of DPA Attachment D, that Teva's compliance program, including its policies and procedures, is reasonably designed and implemented to prevent and detect violations of the anti-corruption laws.

5. Between on or about February 2, 2020, and on or about February 4, 2020, Teva's Chief Executive Officer and Chief Financial Officer certified to the Government that Teva has met its disclosure obligations pursuant to paragraph 6 of the DPA.

6. Based on the information known to the Government, Teva has fully met the 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 the independent compliance monitorship. In addition, Teva has made timely payment of the \$283,177,348 monetary penalty.

7. Because Teva 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* Dkt. No. 1, DPA ¶ 15. The Government has conferred with counsel for Teva, who concurs that dismissal is appropriate at this time.

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

Respectfully submitted,

ROBERT ZINK  
Chief, Fraud Section  
Criminal Division  
United States Department of Justice

By: /s/ John-Alex Romano

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Court ID # A5501176

March 4, 2020

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion to Dismiss was filed and served electronically using the Court's CM/ECF system on this 4th day of March, 2020.

/s/ John-Alex Romano

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John-Alex Romano  
Trial Attorney, Fraud Section  
Criminal Division  
U.S. Department of Justice