

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

Cr. No. 20-584 (RPK) (RML)

- against -

DEUTSCHE BANK
AKTIENGESELLSCHAFT,

Defendant.

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GOVERNMENT’S 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 Information filed in the above-captioned case against the defendant Deutsche Bank Aktiengesellschaft (“Deutsche Bank” or the “Company”) with prejudice. The defendant does not oppose this motion. In support of this motion the government states as follows:

1. On January 7, 2021, the government filed a two-count Information charging Deutsche Bank with conspiracy to commit offenses against the United States in violation of 18 U.S.C. § 371. See ECF Dkt. No. 6 (the “Information”). In Count One, Deutsche Bank was charged with conspiring to violate the accounting provisions of the Foreign Corrupt Practices Act, as amended, 15 U.S.C. §§ 78m(b)(2)(A), 78m(b)(5), 78ff(a), 78m(b)(2)(B) and 78m(b)(5). In Count Two, Deutsche Bank was charged with conspiring to commit wire fraud affecting a financial institution in violation of 18 U.S.C. § 1349.

2. On January 12, 2021, the Government entered into a deferred prosecution agreement (“DPA”) with Deutsche Bank, in which the Government deferred prosecution of Deutsche Bank for a period of three years. See DPA dated January 7, 2021, attached as Exhibit

1. Among other obligations, the DPA required Deutsche Bank to cooperate with the government's investigation and to implement an enhanced compliance program for a period of at least three years. Deutsche Bank was also required to pay a criminal monetary penalty of \$87,091,424, of which \$5,625,000 was fully credited against the \$30,000,000 civil monetary penalty imposed on Deutsche Bank by the U.S. Commodity Future Trading Commission ("CFTC") in connection with the CFTC's January 29, 2018 proceeding and order and \$20,000,000 was paid to the United States Inspection Service Consumer Fraud Fund.

3. The DPA provided that the government would not continue the criminal prosecution against Deutsche Bank and would move to dismiss the Information within six months of the expiration of the DPA if Deutsche Bank fully complied with all of its obligations under the DPA. See DPA ¶ 20.

4. The DPA expired on or about January 7, 2024.

5. On or about January 8, 2024, the Chief Executive Officer and Chief Financial Officer of Deutsche Bank certified to the government that Deutsche Bank had met its disclosure obligations pursuant to paragraph 6 of the DPA.

6. Based on the information known to the Government, Deutsche Bank has fully met its disclosure 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 self-reporting. In addition, on or about and between January 15, 2021 and February 15, 2022, Deutsche Bank made timely payment of the criminal monetary penalty remaining after crediting.

7. Because Deutsche Bank 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 DPA ¶ 20.

For the foregoing reasons, the government requests that this motion to dismiss the Information with prejudice be granted. The government has included a proposed order for the Court's consideration.

Dated: July 3, 2024
Brooklyn, New York

Respectfully submitted,

BREON PEACE
United States Attorney

By: s/ _____
Alixandra E. Smith
Assistant U.S. Attorney

MARGARET MOESER
Acting Chief, Money Laundering and Asset
Recovery Section, Criminal Division
U.S. Department of Justice

GLENN LEON
Chief, Fraud Section
Criminal Division
U.S. Department of Justice

s/ _____
Patrick Gushue
Trial Attorney

s/ _____
Shy Jackson
Trial Attorney