

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

No. 20-CR-437 (MKB)

- against -

THE GOLDMAN SACHS GROUP, INC.,

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 criminal Information filed in the above-captioned case against defendant The Goldman Sachs Group, Inc. (“The Goldman Sachs Group” or the “Company”) with prejudice. In support of this motion, the government states as follows:

1. On October 21, 2020, the government filed a one-count Information charging The Goldman Sachs Group with conspiracy to violate the antibribery provisions of the Foreign Corrupt Practices Act of 1977 (“FCPA”), as amended, 15 U.S.C. §§ 78dd-1, 78dd-2, and 78dd-3. See ECF Dkt. No. 7 (the “Information”).

2. On October 22, 2020, the government entered into a deferred prosecution agreement (“DPA”) with The Goldman Sachs Group, in which the government deferred prosecution of The Goldman Sachs Group for a period of three years. See DPA, attached hereto as Exhibit 1. Among other obligations, the DPA required The Goldman Sachs Group to cooperate with the government’s investigation and to implement an enhanced compliance program for a period of at least three years. The Goldman Sachs Group was also required to pay

a criminal monetary penalty of \$1,263,088,000, \$500,000 of which was to be paid as a criminal fine by Goldman Sachs (Malaysia) Sdn. Bhd., a subsidiary of The Goldman Sachs Group that pled guilty to conspiracy to violate the antibribery provisions of the FCPA on October 22, 2020. See United States v. Goldman Sachs (Malaysia) Sdn. Bhd., No. 20-CR-438 (MKB).

3. The DPA provided that the government would not continue the criminal prosecution against The Goldman Sachs Group and would move to dismiss the Information within six months of the expiration of the DPA if The Goldman Sachs Group fully complied with all of its obligations under the DPA. See DPA ¶ 16.

4. On or about November 13, 2023, the Chief Executive Officer and Chief Financial Officer of The Goldman Sachs Group certified to the government that The Goldman Sachs Group had met its disclosure obligations pursuant to paragraph 6 of the DPA.

5. The DPA expired on or about October 21, 2023.

6. Based on the information known to the government, The Goldman Sachs Group 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, The Goldman Sachs Group made timely payment of the \$1,262,588,000.00 criminal monetary penalty. Goldman Sachs (Malaysia) Sdn. Bhd. separately made timely payment of the remaining \$500,000.

7. Because The Goldman Sachs Group 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 ¶ 13.

For the foregoing reasons, the government requests that this motion be granted, and attaches a proposed order for the Court's consideration.

Dated: Brooklyn, New York  
April 26, 2024

Respectfully submitted,

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cc: Counsel for the defendant (via ECF and email)