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EXPERT ANALYSIS

2015 Mid-Year FCPA Update (Part 2)

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2015 MID-YEAR CHECK-IN ON ENFORCEMENT LITIGATION

James Sigelman FCPA trial

The first FCPA trial in three years took an unexpected turn and ended in a dramatic mid-trial guilty plea to substantially reduced charges after the government's key witness admitted to making false statements on the witness stand.

We have been covering the prosecution of Joseph Sigelman, former co-CEO of British Virgin Islands oil and gas company PetroTiger Ltd., since the January 2014 announcement of FCPA charges against him and his two PetroTiger co-defendants, former co-CEO Knut Hammarskjold and former general counsel Gregory Weisman. As noted in our 2014 Mid-Year FCPA Update, both Weisman and Hammarskjold agreed to plead guilty to a dual-purpose conspiracy count covering both FCPA and wire fraud schemes — the FCPA portion of which related to more than $330,000 allegedly paid to an official of Ecopetrol S.A., a Colombian state-owned petroleum company, in exchange for the official approving a nearly $40 million oil services contract for PetroTiger.

Sigelman, however, refused to plead guilty to the six-count indictment of FCPA bribery, wire fraud, money laundering, and conspiracy charges and put DOJ to its burden of proof at trial.

The Sigelman trial began on June 1, 2015 before the Honorable Joseph E. Irenas and a jury empaneled in the U.S. District Court for the District of New Jersey. The heated pre-trial motion practice highlighted in our 2014 Year-End FCPA Update continued up to the brink of trial, including a dispute as to which portions of a surreptitiously recorded December 2012 conversation between then-cooperating witness Weisman and Sigelman could be played for the jury.

On May 27, Judge Irenas ruled that Sigelman's lawyers would be able to reference exculpatory portions of this recording during opening statements only if DOJ first mentioned the allegedly inculpatory portions in its opening statement. Concluding that the benefits outweighed the risk, FCPA Unit Chief Patrick F. Stokes opened the door by highlighting in dramatic fashion a portion of the tape in which Sigelman — apparently correctly suspicious that Weisman was wearing a wire — directed Weisman to "lift [his] shirt."

Billed as a "star witness," Weisman was called early in the government's case-in-chief as its second witness. DOJ lost an early ruling on his testimony, as Judge Irenas ruled that Weisman could not discuss in front of the jury a spreadsheet that PetroTiger's Director of Sales showed to him that allegedly contained a list of bribes paid by PetroTiger in Colombia.

Because Weisman could not confirm that this spreadsheet pertained to government-related bribes, Judge Irenas ruled the spreadsheet and any reference to it inadmissible. Judge Irenas reasoned that if the spreadsheet contained records of only commercial bribery, it could unfairly and inaccurately plant the notion of government-related bribery in the jury's mind, observing that "99.99% of [commercial bribery] does not fall under the purview of the Foreign Corrupt Practices Act."

Nevertheless, the government recovered and elicited strongly incriminating testimony about Sigelman from Weisman.

But Weisman's testimony quickly went awry once Sigelman's lawyers got their turn with him. On the first day of cross-examination, Weisman testified that he continued to serve as the general counsel of a separate company owned by Sigelman after he agreed to cooperate with the government's investigation against Sigelman. Weisman admitted cooperating with the government against his own client was a "serious ethical violation," but said DOJ prosecutors told him to do so.

The next morning, Weisman admitted that he had "misremembered" the part about DOJ prosecutors telling him to commit the serious ethical violation, prompting Judge Irenas to ask in front of the jury: "Misremembered? Did you have a hallucination?" Shortly thereafter, Judge Irenas dismissed the jury and adjourned the trial until the following Monday so that the government could contemplate its next move.

That following Monday, June 15, Sigelman and DOJ reached a plea deal whereby Sigelman — who had been facing as much as 20 years in prison for the six charges against him — pleaded guilty to a single count of FCPA conspiracy with a recommended sentence of no more than one year and one day in prison. Judge Irenas did not believe even that much was a reasonable sentence, and on June 16 sentenced Sigelman to a non-custodial, probationary sentence, together with just over $239,000 in restitution to PetroTiger and a $100,000 fine.

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Weisman and Hammarskjold have yet to be scheduled for sentencing. With respect to the company, DOJ has now publicly confirmed that it "declined to prosecute PetroTiger" based on its "voluntary disclosure, cooperation, and remediation, among other factors."

Finally, Colombian prosecutors have arrested and are in the process of prosecuting David Duran, the Ecopetrol official who allegedly received the PetroTiger bribes, as well as Duran's wife, a former PetroTiger employee, and several other officials from Ecopetrol.

Alstom defendants

As reported in our 2014 Year-End FCPA Update, last year's blockbuster Alstom S.A. FCPA enforcement action was preceded by FCPA charges against four former Alstom executives and related charges against one of the recipients of the bribery scheme. With the sole exception of former Alstom executive Lawrence Hoskins, each of the Alstom defendants charged in the United States has pleaded guilty. (As noted below, additional Alstom defendants have been charged in the United Kingdom.)

The first quarter of 2015 was quiet for the Hoskins case, at least on the public docket. In April, Hoskins filed several discovery-related motions, including motions to compel *Brady* material, for the issuance of letters rogatory to France, and for the issuance of Rule 17(c) subpoenas. These motions all relate to the pursuit of Hoskins's argument that he was not an "agent" of a "domestic concern," namely Alstom's U.S. subsidiary.

DOJ not only opposed these motions, but obtained a third superseding indictment amending the charges to allege greater functional involvement by Hoskins in the U.S. subsidiary's operations.

Hoskins replied by moving to dismiss the lead conspiracy count of the new indictment, arguing that as a foreign national working abroad for a foreign, non-U.S. listed company, he is no more subject to an FCPA conspiracy charge than a substantive FCPA charge. In other words, Hoskins argues that under well-established case law, a category of persons expressly exempted from the scope of a statute may not be drawn back within the scope of that statute via an alleged conspiracy with someone who is subject to the statute (here, Alstom's U.S. subsidiary).

These motions all remain pending before the Honorable Janet Bond Arterton of the U.S. District Court for the District of Connecticut. Trial is currently scheduled for November 2015.

In other developments related to the Alstom prosecutions, on March 23, 2015, Asem Elgawhary was sentenced to 42 months in prison for mail fraud, money laundering conspiracy, and tax

evasion convictions. As reported in our 2014 Year-End FCPA Update, Elgawhary pleaded guilty on December 4, 2014, admitting that he accepted millions of dollars in bribes from Alstom and two other companies between 2006 and 2011 to skew the competitive bidding processes he oversaw as the general manager of a joint venture between Bechtel Corporation and Egypt's state-owned utility company.

In addition to the 42-month prison term, the Honorable Deborah K. Chasanow of the U.S. District Court for the District of Maryland sentenced Elgawhary to forfeit $5.2 million in illicit proceeds from his bribery scheme.

Magyar Telekom defendants

The SEC's long-running FCPA civil enforcement action against three former executives of Magyar Telekom, Plc. — Andras Balogh, Tamas Morvai, and Elek Straub — continues to proceed at a modest clip before the Honorable Richard J. Sullivan of the U.S. District Court for the Southern District of New York. More than three years after the SEC filed charges, fact discovery concluded in early March 2015, with the parties having collectively deposed more than 10 witnesses in Macedonia, the United States, and the United Kingdom and taken testimony from 13 additional witnesses in Germany and Hungary pursuant to the Hague Convention.

Expert discovery closed in June and both sides have indicated their intention to move for summary judgment on various issues, including: (1) whether the court has personal jurisdiction over each of the defendants; (2) whether the SEC's December 2011 claims are time-barred under the applicable five-year statute of limitations; and (3) whether the defendants made "use of the mails or any means or instrumentality of interstate commerce" through e-mails sent in connection with the alleged bribery scheme.

Judge Sullivan has already ruled on some of these issues in connection with defendants' motion to dismiss, as described in our 2013 Mid-Year FCPA Update. The Court has not yet set a briefing schedule for summary judgment, and no trial date currently is on the calendar.

Haiti Teleco defendants

Our readers are quite familiar with the long-running prosecution of numerous individuals involved in a scheme to bribe officials of the Haitian state-owned telecommunications company Télécommunications d'Haiti S.A.M. ("Haiti Teleco").

On February 9, 2015, the U.S. Court of Appeals for the Eleventh Circuit affirmed the convictions and nine-year sentence of former Haiti Teleco Director of International Relations Jean Rene Duperval. As reported in our 2012 Mid-Year FCPA Update, after a weeklong trial in March 2012, Duperval was convicted by a jury sitting in the U.S. District Court for the Southern District of Florida of 21 counts of money laundering arising from his receipt of bribes from two telecommunications companies.

In affirming that conviction, the Eleventh Circuit employed the same standard set by an earlier panel of the court in *United States v. Esquenazi* (discussed in our 2014 Mid-Year FCPA Update) to determine that Haiti Teleco was an "instrumentality" of the Haitian government for FCPA purposes.

In another FCPA-related holding, the Court rejected Duperval's argument that his administration of multi-million telecommunications contracts constituted "routine governmental action" within the scope of the FCPA's "facilitating payments" exception. Adopting an analysis similar to the Fifth Circuit in the 2004 *United States v. Kay* decision — the only other appellate case to address this exception — the Eleventh Circuit held that this is a "limited" exception that applies only to payments for "largely non-discretionary, ministerial activities performed by mid- or low-level foreign functionaries."

Duperval has filed a motion for rehearing *en banc* before the entire Eleventh Circuit, which remains pending as of the date of this publication.

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Another defendant convicted in the Haiti Teleco prosecution, Terra Telecommunications vice president Carlos Rodriguez, has filed two post-trial motions in the U.S. District Court for the Southern District of Florida: a 28 U.S.C. § 2255 motion to vacate his sentence based on the alleged ineffective assistance of trial counsel and a Rule 33 motion for a new trial based on newly discovered evidence.

In support of the latter motion, Rodriguez attaches a declaration by the former Terra Telecommunications general counsel contradicting the government's trial evidence that both Rodriguez and the general counsel were present for a meeting where bribes to Haiti Teleco officials were discussed. The general counsel reportedly did not testify at Rodriguez's trial based on the advice of his own counsel and his Fifth Amendment right to remain silent. DOJ has not yet responded to either of Rodriguez's post-trial motions.

Dmitry Firtash

In our 2014 Mid-Year FCPA Update, we reported on the indictment of six foreign nationals accused of scheming to bribe Indian government officials for mining rights that was unsealed when one of the six — billionaire Ukrainian gas mogul Dmitry Firtash — was arrested on a U.S. warrant in Vienna, Austria.

On April 30, 2015, Judge Christoph Bauer of the Landesgerichtsstrasse Regional Court in Vienna denied the United States's request to extradite Firtash to answer the U.S. FCPA charges. In denying the request, Judge Bauer agreed with Firtash that the case against him was a thinly-veiled, politically-motivated attempt by the United States to pursue foreign policy goals in Ukraine.

Firtash contended, and the Austrian court agreed, that DOJ began investigating him to exert pressure on someone whom the United States felt had destabilized the region's politics by representing Russian interests in Ukraine.

For its part, DOJ denies that political motivations underlie the indictment of Firtash or his co-defendants. Despite the Austrian Judge's ruling, DOJ's indictment against the six defendants still stands, potentially awaiting another extradition contest if and when one of the six is caught in a country that maintains an extradition treaty with the United States.

Direct Access Partners defendants

Since 2013, we have been reporting on DOJ's prosecution of several former executives of New York broker-dealer Direct Access Partners LLC ("DAP") for their alleged scheme to pay kickbacks to a senior official of a Venezuelan state-owned bank. On March 27, 2015, the final two defendants — former CEO Benito Chinea and former managing director Joseph DeMeneses — appeared before the Honorable Denise L. Cote of the U.S. District Court for the Southern District of New York for sentencing.

Each defendant received a four-year prison term for his single-count FCPA/Travel Act conspiracy conviction, and Chinea was ordered to forfeit more than $3.6 million while DeMeneses was ordered to forfeit nearly $2.7 million.

In an interesting twist, DAP submitted letters to the Court mere days before the sentencing hearings requesting that DAP be recognized as a "victim" of the conspiracy and that the Court order restitution against Chinea and DeMeneses for the compensation that the defendants received from DAP during the criminal conspiracy, as well as the cost of DAP's internal investigation and assistance to DOJ.

DOJ and the defendants opposed DAP's request, with DOJ arguing that as a "closely-held, private company," DAP was effectively a participant in and beneficiary of the conspiracy and "should not be entitled to restitution for its own conduct." Judge Cote agreed and denied DAP's request prior to announcing the sentences of Chinea and DeMeneses.

A separate civil fraud case brought by the SEC against Chinea, DeMeneses, and other DAP defendants currently remains stayed due to DOJ's ongoing investigation, with DOJ due to report back to the court no later than October 1, 2015.

Angela Aguilar forfeiture appeal

We last reported on DOJ's FCPA prosecution of Lindsey Manufacturing Company and certain of its employees and agents in our 2012 Mid-Year FCPA Update, where we discussed the unopposed vacatur of a May 2011 jury verdict against one of the company's third-party intermediaries, Angela Aguilar. As discussed in our 2011 Year-End FCPA Update, the vacatur of Aguilar's conviction followed a December 2011 ruling by the Honorable A. Howard Matz of the U.S. District Court for the Central District of California vacating the convictions of Lindsey Manufacturing and Aguilar's other co-defendants on grounds of prosecutorial misconduct.

Following her conviction — but prior to Judge Matz's December 2011 decision — Aguilar agreed not to contest the forfeiture of approximately $2.4 million in funds in a brokerage account held in the name of Grupo Internacional de Asesores S.A. ("Grupo"), a company controlled by Aguilar that was allegedly used to funnel unlawful payments to officials of a Mexican state-owned utility. In exchange, DOJ agreed to recommend a sentence of time served for Aguilar.

The government initiated civil forfeiture proceedings against the brokerage account funds after Aguilar was sentenced, and default was entered against Aguilar and all other potential claimants in November 2011. After Judge Matz's December 2011 decision, however, Aguilar and Grupo opposed the government's motion for entry of a default judgment — and then moved to set it aside after Judge Matz granted the government's motion — arguing that their failure to oppose the initial entry of default was due to "excusable neglect."

On April 10, 2015, the U.S. Court of Appeals for the Ninth Circuit affirmed Judge Matz's denial of Aguilar's and Grupo's motion to set aside the default judgment of forfeiture. Although recognizing that default judgments generally should be set aside except in "extreme circumstances," the Ninth Circuit concluded that there is no requirement that a district court use any "magic words" to explain its reasoning and that Judge Matz had appropriately considered the factors relevant to that determination.

The Court also concluded that Aguilar and Grupo had failed to show that they had any "meritorious defense" to forfeiture, agreeing with Judge Matz that (1) Aguilar was not entitled to an "innocent owner" defense because there was no evidence that she personally owned the funds in the account; and (2) despite the "potential issues with the government's case" identified in Judge Matz's December 2011 decision, the government's complaint had adequately stated a claim for forfeiture.

Biomet, Inc. deferred prosecution agreement extended

Though not technically an "enforcement update," the extension of Biomet's 2012 deferred prosecution agreement has caught the attention of many informed members of the FCPA community.

As reported in our 2012 Mid-Year FCPA Update, in March 2012, the Warsaw, Indiana-based orthopedics and dental products company entered into a deferred prosecution agreement to resolve an FCPA matter relating to alleged corrupt payments to doctors in Argentina, Brazil, and Mexico. The three-year term of this deferred prosecution agreement was scheduled to expire early this year, but in a March 13, 2015 SEC filing the company announced that the agreement — and the compliance monitorship that went along with it — had been extended by an additional year due to an ongoing investigation into new whistleblower complaints in Brazil and Mexico.

This extension highlights the government's increasingly aggressive approach toward companies subject to post-resolution monitoring agreements, a trend discussed extensively in our forthcoming 2015 Mid-Year Update on Corporate Non-Prosecution Agreements and Deferred Prosecution Agreements.

2015 MID-YEAR KLEPTOCRACY FORFEITURE ACTIONS

For several years now, we have been covering DOJ's efforts to recover the proceeds of foreign corruption through forfeiture actions, known as the Kleptocracy Asset Recovery Initiative. DOJ's

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focus in this area appears only to have increased in recent times, including a very active first half of 2015 as described below:

- On January 13, 2015, DOJ filed a civil forfeiture complaint in the U.S. District Court for the Eastern District of Louisiana seeking the forfeiture of nine New Orleans properties, worth approximately $1.5 million in the aggregate, that are beneficially owned by Mario Zelaya, the former Executive Director of the Honduran Institute of Social Security ("HISS"). DOJ's complaint alleges that these properties were purchased using funds traceable to approximately $2 million in bribes paid to Zelaya by a private Honduran company seeking to prioritize and expedite payments owed to it by HISS. Zeyala is opposing DOJ's complaint, and the case is in discovery with a March 2016 trial date on the calendar.

- On March 4, 2015, DOJ announced the settlement of several civil forfeiture cases against certain assets of Chun Doo Hwan, the former president of the Republic of Korea. As reported in our 2014 Mid-Year and Year-End FCPA Updates, Hwan was convicted by a Korean court in 1997 of accepting more than $200 million in bribes from Korean businesses. Pursuant to the 2015 settlement with DOJ, Hwan agreed to forfeit approximately $1.1 million in assets. DOJ noted that its joint investigation with Korean authorities also helped to secure the return of an additional $27.5 million from an associate of Hwan's in partial satisfaction of the criminal judgment entered against Hwan in Korea.

- On June 29, 2015, DOJ filed a civil forfeiture complaint in the U.S. District Court for the Southern District of New York seeking the forfeiture of approximately $300 million in assets allegedly traceable to corrupt payments by two Russian telecommunications companies to a close relative of Uzbekistan President Islam Karimov in return for access to the Uzbek telecommunications market. No response has yet been filed by any party with a potential interest in the proceeds.

- On June 30, 2015, DOJ filed a civil forfeiture complaint in the U.S. District Court for the District of Columbia seeking the forfeiture of approximately $34 million in bribes allegedly paid by Canadian energy company Griffiths Energy International Inc. to Mahamoud Adam Bechir, Chad's former ambassador to the United States and Canada, and Youssouf Hamid Takane, Chad's former Deputy Chief of Mission. As reported in our 2013 Year-End FCPA Update, Griffiths Energy pleaded guilty to violations of Canada's Corruption of Foreign Public Officials Act in February 2013 arising out of alleged bribes to Bechir to influence the award of oil development rights in Chad. This forfeiture action follows a separate November 2014 action filed in the same district seeking the forfeiture of approximately $106,000 in alleged bribe proceeds from Bechir as reported in our 2014 Year-End FCPA Update. Bechir is opposing the earlier forfeiture action. There is no indication yet as to the response to the June 2015 forfeiture action.

2015 MID-YEAR FCPA-RELATED PRIVATE CIVIL LITIGATION

As in past years, the first half of 2015 featured plaintiffs pursuing private redress in the United States for public corruption abroad. Although the FCPA provides no private right of action, plaintiffs' attorneys have used various other causes of action to seek recompense for losses associated with FCPA-related misconduct. These actions demonstrate the ramifications corruption can present beyond the criminal and civil penalties sought by government regulators.

Although we are tracking literally dozens of these lawsuits in courts across the country, a selection of matters either filed or resolved in the first half of 2015 appears below.

Shareholder lawsuits

On January 20, 2015, aluminum giant Alcoa, Inc. secured a long-awaited resolution to a 2012 shareholder derivative suit that alleged breaches of fiduciary duty by directors and officers associated with the conduct that led to the company's January 2014 FCPA settlement (reported in our 2014 Mid-Year FCPA Update). Chief Judge Donetta W. Ambrose of the U.S. District Court for the Western District of Pennsylvania accepted the settlement that called for Alcoa to pay $3.75 million in attorneys' fees

and adopt a wide range of compliance reforms designed to mitigate the risk of future violations of anti-corruption laws.

These reforms included: (1) hiring the company's first Chief Ethics and Compliance Officer, who will report directly to Alcoa's Chief Legal Officer and make periodic reports to the Audit Committee and the Board of Directors; (2) developing a specific corporate anti-corruption policy; (3) requiring enhanced mandatory FCPA compliance training for all employees at least annually; and (4) implementing anti-corruption due diligence procedures for mergers and acquisitions.

On March 4, 2015, the Delaware Court of Chancery set boundaries on shareholders' ability to access corporate information on FCPA investigations via books-and-records inspection demands. Following a November 2014 trial (profiled in our 2014 Year-End FCPA Update), the court denied a Parker Drilling Company stockholder's request to identify the company's executives who were implicated in a long-running Nigerian customs investigation by the DOJ and SEC, which was resolved in April 2013 as reported in our 2013 Mid-Year FCPA Update. This suit followed several failed derivative actions brought against Parker Drilling, including one by the same shareholder, arising out of the company's FCPA investigation and settlement. The Court found that the shareholder failed to establish a proper purpose for an inspection of the books and records because it was estopped from further derivative litigation and because the information itself was not necessary for a board demand.

Alcoa and Parker Drilling were not the only companies to resolve an FCPA enforcement action in 2014, only to find themselves embroiled in collateral shareholder litigation in 2015. Bio-Rad Laboratories, Inc. settled FCPA claims with DOJ and the SEC in November 2014 stemming from allegedly improper payments in Russia, Thailand, and Vietnam (as reported in our 2014 Year-End FCPA Update). In 2015, additional shareholders filed a derivative action in California state court and a records demand in Delaware Chancery Court. Both complaints are pending.

Over the past several years, Avon Products, Inc. has been the target of numerous shareholder suits stemming from conduct at a Chinese subsidiary that led to the company's December 2014 FCPA settlement with DOJ and the SEC. As outlined in our 2014 Year-End FCPA Update, the Honorable Paul G. Gardephe for the U.S. District Court for the Southern District of New York dismissed without prejudice a securities fraud class action against Avon. Not deterred, plaintiffs filed a second amended complaint on October 24, 2014, and the case now is in mediation.

In addition to the securities fraud action, plaintiffs brought a derivative action against Avon in the same court and made a novel attempt to shoehorn state law claims — including waste of corporate assets and unjust enrichment — before the federal tribunal on the grounds that the claims were purportedly inextricably tied to the FCPA and raised substantial questions of federal law. On March 16, 2015, Judge Gardephe granted defendants' motion to dismiss for lack of subject matter jurisdiction, finding that it would be "tantamount to recognizing a private right of action under the FCPA" and would "open the floodgates" to a number of similar claims, which, in the court's opinion, would be "an outcome directly contrary to Congress's apparent intent."

RICO actions

We reported in our 2014 Year-End FCPA Update on a Racketeer Influenced and Corrupt Organizations ("RICO") Act lawsuit brought by Mexican state-owned oil company Petróleos Mexicanos ("PEMEX") against Hewlett-Packard Co. following the computer giant's resolution of FCPA charges with DOJ and the SEC that included allegations of PEMEX-related corruption. On June 25, 2015, the Honorable Beth Labson Freeman of the U.S. District Court for the Northern District of California heard arguments on HP's motion to dismiss the complaint on jurisdictional and other grounds.

Employee lawsuits

The collateral fallout in 2015 from Bio-Rad's 2014 FCPA settlement expanded beyond shareholder litigation. On May 27, former Bio-Rad general counsel Sanford S. Wadler filed a Sarbanes-Oxley whistleblower lawsuit in the U.S. District Court for the Northern District of California. The

former general counsel alleges that in light of discovering the conduct in Russia, Thailand, and Vietnam that resulted in the 2014 FCPA resolution with DOJ and the SEC, Bio-Rad determined to undertake an internal investigation of its business in China.

Although Bio-Rad's outside counsel found no evidence of an FCPA violation there, Wadler himself later discovered information that he believed did evidence misconduct. When Wadler attempted to report this evidence to senior management, they allegedly engaged in "repeated stonewalling" and pressured him to "sweep [the findings] under the rug." Wadler claims that when he refused he was terminated in retaliation. The case is pending.

Last, but certainly not least, on May 15, 2015, the Texas Supreme Court dismissed a closely-watched employee defamation action arising out of an FCPA investigation. Specifically, the court ruled that former Shell Oil Co. employee Robert Writt could not maintain his lawsuit alleging that the company defamed him when it reported to DOJ as part of an internal investigation that he "engage[d] in unethical conduct" in approving certain payments to third parties.

Reversing the judgment of the intermediate court of appeals, Justice Phil Johnson ruled for a unanimous Court that Shell's statements to DOJ "were made preliminarily to a proposed judicial proceeding and were absolutely privileged" under Texas law. The Court observed that "DOJ's leverage over Shell vis-à-vis the FCPA and its somewhat draconian potential penalties" compelled Shell to undertake a robust internal investigation and report its findings to DOJ.

The Court's ruling was consistent with the position advocated for by Gibson Dunn on behalf of amici Chamber of Commerce of the United States, National Association of Manufacturers, and the American Petroleum Institute, and the Court also cited a Gibson Dunn FCPA update as evidence of the uptick in FCPA enforcement activity over the course of the past decade.



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