

News

BCLP WHITE COLLAR TEAM OBTAINS UNPRECEDENTED RESOLUTION FOR MERCK KGAA SUBSIDIARY

May 30, 2024

International law firm BCLP successfully represented Sigma-Aldrich Inc. (doing business as MilliporeSigma), a US subsidiary of client Merck KGaA, Darmstadt, Germany, a global science and technology company, in a high-profile matter resulting in MilliporeSigma receiving the first-ever declination issued by the National Security Division (NSD) of the U.S. Department of Justice (DOJ). Declinations – decisions by the DOJ not to pursue criminal charges – are rare resolutions granted to companies that demonstrate extraordinary levels of cooperation. Until the DOJ’s recent decision for MilliporeSigma, declinations had only been issued infrequently by the Fraud section, and never by the NSD, which operates under a different policy that normally does not provide for declinations, even in cases of voluntarily disclosure and cooperation.

In this case, the DOJ was persuaded to break with precedent and issue a public declination, citing MilliporeSigma’s rapid reporting and the package submitted to the DOJ, as key reasons for the rare resolution. The DOJ’s declination letter described the company’s cooperation as “exceptional.” Additionally, the DOJ did not require the company to pay any fine or penalty, nor disgorgement of any profits— a decision approved by Deputy Attorney General Lisa Monaco.

The DOJ also issued a press release, to promote this resolution as a way to encourage companies to follow MilliporeSigma’s lead.

BCLP’s cross-disciplinary White-Collar team represents and advises clients on high profile and complex corporate criminal investigations, prosecutions, and compliance matters. Partner and former federal prosecutor Andrey Spektor led the team handling the DOJ component and the internal investigation, with support from Partner and Head of BCLP’s White-Collar Practice Group Mark Srere and Associate Maryclaire Kennedy, and Partner Megan A. Gajewski Barnhill led the team in advising the client with respect to export-control issues. Partner Fred Bartelsmeyer serves as the Client Relationship Leader.

RELATED PRACTICE AREAS

- White Collar

MEET THE TEAM



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