

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

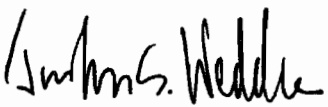
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UNITED STATES OF AMERICA :
- against - :
KPMG LLP, : **Nolle Prosequi**
Defendant. :
----- X

: 05 Cr. 903 (LAP)
: **Nolle Prosequi**

1. On August 29, 2005, Information 05 Cr. 903 (LAP) was filed, charging defendant KPMG LLP with one count of conspiracy in violation of Title 18, United States Code, Section 371. The Information was filed pursuant to a Deferred Prosecution Agreement between the United States Attorney's Office for the Southern District of New York and KPMG LLP, dated August 26, 2005 and filed with the Court on August 29, 2005 (the "Deferred Prosecution Agreement").


2. Assuming there are no violations of the Deferred Prosecution Agreement between the date set forth below and December 31, 2006, I recommend that on or after December 31, 2006, an order of nolle prosequi without prejudice be filed as to Information 05 Cr. 903 (LAP) pursuant to the terms of the Deferred Prosecution Agreement.



JUSTIN S. WEDDLE
Assistant United States Attorney
Telephone Number: (212) 637-2312

Dated: New York, New York
December 15, 2006
20

Upon the foregoing recommendation, and provided that there are no violations of the terms of the Deferred Prosecution Agreement between the date set forth above and December 31, 2006, I hereby direct, with leave of the Court, that an order of nolle prosequi without prejudice be filed as to Information 05 Cr. 903 (LAP) on or after December 31, 2006.


MICHAEL J. GARCIA
United States Attorney
Southern District of New York

Dated: New York, New York
December 20, 2006

SO ORDERED: 
HON. LORETTA A. PRESKA
United States District Judge
Southern District of New York

Dated: New York, New York
January 2, 2007