

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

Criminal No: 1:12-cr-080 (RBW)

v.

BIOMET, INC.

STATUS REPORT

The government submits this Status Report in response to the Court's March 21, 2016 Order requiring the government to file an updated status report on or before June 6, 2016.

1. On March 26, 2012, Biomet, Inc. ("Biomet"), entered into a Deferred Prosecution Agreement ("DPA") with the government. Pursuant to the terms of the DPA, the government agreed to defer prosecution of Biomet if the company satisfied its obligations under the DPA, including the obligation to implement and maintain a compliance and ethics program designed to prevent and detect violations of the Foreign Corrupt Practices Act, 15 U.S.C. §§ 78dd-1, *et seq.* (the "FCPA") and other applicable anti-corruption laws throughout its operations. (DPA, ¶ 7.) The DPA had a three-year term and could be extended for up to one year if the government determined, in its sole discretion, that Biomet had knowingly violated any provisions of the DPA. (*Id.*, ¶ 2.) Biomet also agreed that an independent compliance monitor would review Biomet's compliance program to determine whether it was reasonably designed and implemented to detect and prevent violations of the anti-corruption laws and was functioning effectively. (*Id.*, Attach. D ¶ 8.) As described in a prior filing in this case (Dkt. #5 at pp. 2-3), the government extended the DPA and the independent compliance monitor's appointment for one additional year.

2. On March 18, 2016, the government filed a status report with the Court stating that the government was considering whether Biomet had breached the DPA based on conduct in Brazil and Mexico that was disclosed by the company in 2014 and based on Biomet's failure to implement and maintain a compliance program designed to prevent and detect violations of the FCPA and other anti-corruption laws. The Court ordered that the government file an additional status report on or before June 6, 2016.

3. On April 15, 2016, the government notified Biomet that the government had determined that Biomet had breached the DPA based on the conduct in Mexico and Brazil and based on Biomet's failure to implement and maintain a compliance program as required by the DPA. Biomet has represented that it is committed to continuing to cooperate, and the government and Biomet have been in discussions to resolve this matter which would obviate the need for a trial. Those discussions are ongoing.

4. At this time, the government does not seek any hearings or any other relief.

Respectfully submitted,

ANDREW WEISSMANN
U.S. DEPARTMENT OF JUSTICE
CHIEF, FRAUD SECTION

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June 6, 2016

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2016, a copy of the foregoing was served by me upon
counsel for the defendant:

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/s/ _____
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