Insights: News

Former U.S. Deputy Attorney General Larry D. Thompson and Team Complete Monitorship in Volkswagen AG Emissions Proceedings

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A Team of Leading Corporate Fraud, Environmental, and Compliance Experts, many based in Atlanta, Oversaw Compliance Reforms and Successful Implementation of the Terms of the Plea Agreement

ATLANTA (September 14) – The Independent Corporate Compliance Monitor and Auditor for Volkswagen AG, Atlanta's Larry D. Thompson, announced today that Volkswagen AG and its subsidiaries and affiliates met the commitments established under the terms of its 2017 plea agreement with the U.S. Department of Justice (DOJ). (Note that Porsche AG and Porsche Cars NA were excluded entirely from the monitorship.) Since his appointment in 2017, Thompson and his team have worked to assess whether Volkswagen's compliance and ethics programs were reasonably designed and implemented to prevent and detect violations of anti-fraud and environmental law.

The U.S. government appointed Thompson, a former U.S. Deputy Attorney General and currently counsel at Atlanta-based Finch McCranie, LLP, as the Independent Corporate Compliance Monitor and Auditor for Volkswagen. His appointment was part of Volkswagen's criminal plea agreement stemming from the company's scheme to sell diesel vehicles containing software designed to cheat on U.S. emissions tests. Thompson and his team oversaw Volkswagen's compliance reforms and successful implementation of the terms of the plea agreement.

During his tenure as Deputy Attorney General from 2001 to 2003, Thompson led the DOJ's National Security Coordination Council as well as the government-wide Corporate Fraud Task Force. Previously, Thompson was a partner with Atlanta-based King & Spalding, LLP. Earlier in his career, he served as U.S. Attorney for the Northern District of Georgia, and as Independent Counsel for the Department of Housing and Urban Development Investigation. Thompson also served as Executive Vice President for Government Affairs and General Counsel for PepsiCo.

To assist him in monitoring Volkswagen's corporate compliance, Thompson assembled a team of leading corporate fraud, environmental, and compliance experts. Leaders of the team included:

- Deputy Monitor for Anti-Fraud, Ethics and Compliance, **Scott Marrah**, former assistant U.S. Attorney in the Southern District of New York, currently partner at Atlanta-based Kilpatrick Townsend & Stockton and co-leader of the firm's Government Enforcement & Investigations team.
- Deputy Monitor for Emissions and Environmental, Benjamin Wilson, chairman of national environmental law firm Beveridge & Diamond, P.C. and court-appointed monitor in the Duke Energy coal ash cleanup.
- Chief of Staff, Michele Edwards, a partner with StoneTurn, a global advisory firm that assists clients on regulatory, risk and compliance issues, investigations and business disputes, who also leads the StoneTurn

team supporting a DOJ-appointed Monitoring Trustee on the merger of two leading wireless telecommunications service providers.

- Counsel to the Monitor, Michael A. Sullivan, former federal prosecutor and currently partner at Atlanta-based Finch McCranie.
- Counselor to the Monitor, David Uhlmann, former Chief of DOJ's Environmental Crimes Section and current University of Michigan Law School Professor and Director of Environmental Law and Policy Program.

"In three years, Volkswagen AG has become a different and better company," said Thompson. "Volkswagen can be proud of the progress it has made. It will require continued vigilance, but the structures and processes in place and the commitments at all levels of the company, along with the oversight of the Supervisory Board, can make Volkswagen a long-term and sustainable ethics, integrity and compliance success."

Thompson was assisted by an accomplished group of subject matter experts from pertinent areas including emissions, compliance, ethics and integrity, fraud, risk management, legal and audit. From Kilpatrick Townsend & Stockton, in addition to Marrah, partners **Adria Perez** (Atlanta), **Hillary Rightler** (Atlanta), **Clay Wheeler** (Raleigh), and **Doug Gilfillan** (Atlanta) played significant roles and led teams of lawyers, auditors, and subject matter experts concerning the antifraud, ethics, and compliance work. Kilpatrick Townsend associates **Jessica Nwokocha** (Atlanta), **Aaron Gallardo** (Atlanta), **Reuben Goetzl** (Raleigh), **Ava Conger** (Atlanta), and **Mauricio Escobar** (Houston) were key members of the team. From Finch McCranie, LLP, in addition to Thompson and Sullivan, Renée Brooker (Washington, D.C.), Eva Gunasekera (Washington, D.C.), Gary Thompson (Atlanta), Emma Cecil (Atlanta), and Nicole Archambault (Atlanta) made major contributions.

"I am honored to have led such a knowledgeable, experienced and absolutely dedicated team," said Thompson. "I cannot say enough about their hard work, diligence, efficiency, and professionalism. Obviously, this project was critically important on numerous levels but this was the right team for the challenge. All team members should be proud of their outstanding collective accomplishment."

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