

CLIENT ALERT

DOJ Secures Another Extradition on Antitrust Charges

January 17, 2020

Former Air Cargo Executive Extradited from Italy

On January 13, 2020, the Department of Justice Antitrust Division confirmed that Maria Christina “Meta” Ullings, a Dutch national and former Senior Vice President of Cargo Sales & Marketing for Dutch carrier Martinair had been extradited from Italy to the U.S. to face charges for her alleged involvement in a long-running international conspiracy to fix prices in the air cargo industry. She made her initial appearance in federal court on January 13, 2020 after being indicted in the U.S. District Court for the Northern District of Georgia *nearly ten years ago* on September 21, 2010. Ullings was not apprehended until July 2019 by Italian authorities when she contested extradition. The Court of Appeals of Palermo ruled against her and she waived appeal.

Ullings is alleged to have participated in a conspiracy to fix and coordinate fuel (and other) surcharges charged to air cargo customers in the U.S. and internationally from 2001 to 2006. The conspiracy was active as early as 1999 and involved numerous carriers in the U.S., Europe, South America, and the Asia Pacific region. Lufthansa received conditional immunity from prosecution when it reported the cartel to Swiss authorities in 2006. Following this report, numerous jurisdictions launched investigations, including the U.S., Europe, Australia, and Canada. The DOJ’s investigation resulted in charges against 22 airlines and 21 executives, over \$1.8 billion in criminal fines, and seven executives being sentenced to prison.

Assistant Attorney General Makan Delrahim for the Department of Justice’s Antitrust Division stated: “This extradition ruling by the Italian courts – the seventh country to extradite a defendant in an Antitrust Division case in recent years, and the second to do so based solely on an antitrust charge – demonstrates that those who violate U.S. antitrust laws and seek to evade justice will find no place to hide.” In 2014, an Italian national and former executive of a rubber hose manufacturer involved in a bid-rigging, price fixing, and market allocation conspiracy related to the sale of marine hoses became the first person ever extradited on an antitrust charge when he was detained on an INTERPOL Red Notice in Germany and subsequently extradited to the U.S. Upon being extradited, this executive pled guilty and received a two-year prison sentence.

In 2014, the Antitrust Division also secured the extradition of a Canadian national and former chief executive of a Canadian company involved in a fraud and bid-rigging scheme related to federal contracts to clean up hazardous waste sites. After a three-week jury trial, this executive was found guilty and sentenced to serve 63 months in prison.

Last year, seven South Koreans were indicted for their alleged involvement in a decade-long conspiracy between five South Korean companies to rig bids on defense fuel supply contracts. Although not detailing the extradition process in that investigation, Delrahim stated that the DOJ was exploring “every option for bringing these [indicted] individuals to the US” and has been in communication with the Korean Ministry of Justice “about access” to the individuals.

This extradition of Ullings and others underscores the Antitrust Division’s sustained focus on extradition and its efforts to hold foreign participants responsible for conspiracies affecting customers and competition in the U.S. Counseling both corporate and

individual clients on the real risks posed by extradition requests has increasingly become a reality and will continue to be so in 2020 and beyond.

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