

DOJ Continues to Focus on Extradition and Prosecution of Individuals Suspected of Antitrust Violations

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As Competition Corner recently reported, the Department of Justice (DOJ) is continuing its recent trend on extraditing and prosecuting foreign individuals who are charged with violating antitrust laws. On February 28, 2020, Eun Soo Kim, a South Korean national and former accounts manager for Continental Automotive, Ltd. (Continental), was extradited to the United States from Germany. First apprehended by authorities in Frankfurt last September, Mr. Kim consented to the extradition following nearly five years of remaining a fugitive.^[1] Mr. Kim's extradition marks the third-ever extradition "based solely on an antitrust charge," according to the DOJ, and follows the second-ever such extradition just earlier (of Dutch national Maria Christina "Meta" Ullings).^[2]

On March 2, 2020, Mr. Kim appeared before Judge Timothy C. Batten of the United States District Court for the Northern District of Georgia and pleaded guilty to conspiring to rig bids, as well as to allocating the sales of, and the international market for, instrumental panel clusters sold to Korean automobile producers and their subsidiaries in the United States for a time period spanning February 2008 through May 2012.^[3]

Judge Batten sentenced Mr. Kim to nine months in prison, with a credit for the pre-sentencing time that Mr. Kim was held in custody pending extradition. Judge Batten also sentenced Mr. Kim to pay a \$130,000 criminal fine.^[4] Notably, in 2014, Mr. Kim's former employer, Continental, also pleaded guilty and paid a \$4 million criminal fine for its participation in the same conspiracy regarding the sale of instrument panel clusters, including to manufacturers such as Hyundai Motor Co., Kia Motors Corp., and Kia Motors Manufacturing Georgia.^[5]

Mr. Kim's "guilty plea further demonstrates our commitment at the Antitrust Division and shows that neither time nor distance provide refuge for executives who conspire to cheat American consumers," said Assistant Attorney General Makan Delrahim of the DOJ's Antitrust Division.^[6] Mr. Kim's extradition and subsequent prison sentence is yet another recent example of the DOJ's increased focus on the extradition and prosecution of foreign actors, including individuals who have remained at large for a significant amount of time. Antitrust practitioners should take note of the DOJ's increased extradition efforts when counseling foreign clients implicated in antitrust investigations.

^[1] Press Release, U.S. Dep't of Justice, Antitrust Div., *Extradited Former Automotive Parts Executive Pleads Guilty to Antitrust Charge* (Mar. 3, 2020), <https://www.justice.gov/opa/pr/extradited-former-automotive-parts-executive-pleads-guilty-antitrust-charge>.

[2] *Id.*

[3] Order of Judicial Removal, ECF No. 19, *United States v. Eun Soo Kim*, No. 15-cr-00002-TCB-1 (N.D. Ga. Mar. 4, 2020), <https://www.winston.com/images/content/2/1/v2/211298/N.D.-Ga.-15-cr-00002-dckt-000019-000-filed-2020-03-04.pdf>

[4] Press Release, *supra* note 1.

[5] Press Release, U.S. Dep't of Justice, Antitrust Div., *Continental Automotive Electronics and Continental Automotive Korea Agree to Plead Guilty to Bid Rigging on Instrument Panel Clusters* (Nov. 24, 2014), <https://www.justice.gov/opa/pr/continental-automotive-electronics-and-continental-automotive-korea-agree-plead-guilty-bid>.

[6] Press Release, *supra* note 1.

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