

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-20864-CR-SCOLA
15 U.S.C. § 1

UNITED STATES OF AMERICA

v.

FLORIDA WEST INTERNATIONAL AIRWAYS, INC.,

Defendant.

UNITED STATES' NOTICE OF THE MAXIMUM PENALTIES

The United States, through the undersigned counsel, respectfully files its Notice of the Maximum Penalties.

Maximum Penalties

The following penalties apply in this case

1. The statutory maximum penalty which may be imposed against the defendant for a violation of Section One of the Sherman Antitrust Act is a fine in an amount equal to the greatest of:

- (a) \$100 million (15 U.S.C. § 1);
- (b) Twice the gross pecuniary gain the conspirators derived from the crime (18 U.S.C. § 3571(c) and (d)); or
- (c) Twice the gross pecuniary loss caused to the victims of the crime by the conspirators (18 U.S.C. § 3571(c) and (d)).

2. In addition, the Court may impose probation and restitution as follows:

- (a) Pursuant to 18 U.S.C. § 3561(c)(1), the Court may impose on it a term of probation of at least one year, but not more than five years;

- (b) Pursuant to §8B1.1 of the United States Sentencing Guidelines (“U.S.S.G.,” “Sentencing Guidelines,” or “Guidelines”) or 18 U.S.C. § 3563(b)(2) or 3663(a)(3), the Court may order it to pay restitution to the victims of the offense; and
- (c) Pursuant to 18 U.S.C. § 3013(a)(2)(B), a \$400 special assessment applies to the charged offense.

Elements and Factual Basis

Pursuant to the Court’s Order (D.E. 261), the elements of the offense for the indictment filed on December 2, 1010 are set forth along with the factual basis in the Joint Report (filed June 22, 2012) (D.E. 264).

Dated: July 17, 2012

Respectfully submitted,

/s/
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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of July, 2012, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECT and served on all appropriate parties through that system.

/s/ Carsten M. Reichel
CARSTEN M. REICHEL