

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA) **Criminal No.: 97CR6039L**
v.) **Filed: [7/16/97]**
THOMAS J. ABRAHAM,) **Violation: 15 U.S.C. §1**
Defendant.) **Judge: Larimer**
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INFORMATION

The United States of America, acting through its attorneys, charges:

1. Thomas J. Abraham is hereby made a defendant on the charge stated below.

DESCRIPTION OF THE OFFENSE

2. Beginning as early as 1987 and continuing until at least May 1993, the exact dates being unknown to the United States, the defendant and co-conspirators engaged in a combination and conspiracy in unreasonable restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. §1).

3. The aforesaid combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and co-conspirators, the substantial terms of which were to rig bids and allocate contracts for the provision of utility construction services awarded by Rochester Gas & Electric ("RG&E").

4. For the purpose of forming and effectuating the aforesaid combination and conspiracy, the defendant and co-conspirators did those things which they combined and conspired to do, including among other things:

(a) participating in meetings and conversations to discuss the allocation of, and the prices to be bid on, contracts for the provision of utility construction services to RG&E;

(b) agreeing on the designated winner and the prices to be bid on contracts for the provision of utility construction services to RG&E; and

(c) receiving payments from RG&E on contracts for utility construction services awarded on the basis of collusive and rigged bids.

DEFENDANT AND CO-CONSPIRATORS

5. Thomas J. Abraham resides in Livonia, New York. During the period covered by this Information, Thomas J. Abraham was employed by Joseph A. Abraham Enterprises, Inc., located in Rochester, New York. During part of the period covered by this Information, Thomas J. Abraham was a director of that company. His responsibilities included the preparation and submission of bids to RG&E for utility construction contracts and the supervision of the performance of such contracts awarded to Joseph A. Abraham Enterprises, Inc.

6. Whenever in this Information reference is made to any act, deed, or transaction of any corporation, such allegation shall be deemed to mean that the corporation engaged in such act, deed, or transaction by or through its officers,

directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

7. Various persons and companies, not made defendants herein, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

TRADE AND COMMERCE

8. Utility construction involves, among other things, the underground installation, repair and maintenance of facilities, such as gas pipe and electrical conduit, for the transmission of utilities, such as gas and electricity, to customers.

9. During the period covered by this Information, substantial quantities of equipment used by the defendant and co-conspirators for such utility construction, including, but not limited to, bulldozers, backhoes and excavators, were purchased by the defendant and co-conspirators from suppliers located outside the State of New York and shipped across state lines in a continuous and uninterrupted flow of interstate commerce to locations within the State of New York.

10. During the period covered by this Information, substantial quantities of pipe and other materials used by the defendant and co-conspirators for such utility construction were produced in plants located outside the State of New York pursuant to purchase orders from RG&E and shipped across state lines in a continuous and uninterrupted flow of interstate commerce to locations within the State of New York.

11. During the period covered by this Information, the activities of the defendant and co-conspirators with respect to the provision of utility construction services to R.&E were within the flow of, and substantially affected, interstate commerce.

JURISDICTION AND VENUE

12. The aforesaid combination and conspiracy was formed and carried out, in part, within the Western District of New York within the five years preceding the filing of this Information.

IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

Dated:

_____/s/_____
A. DOUGLAS MELAMED
Acting Assistant Attorney General

_____/s/_____
PATRICIA L. HOWLAND

_____/s/_____
GARY R. SPRATLING

_____/s/_____
MARY ANNE F. CARNIVAL

_____/s/_____
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_____/s/_____
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