IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA	)	Filed: 9/30/97
	)	
v.	)	Crim. No.: 1-97-10042
	)	
CHARLES E. GREEN & SON, INC.,	)	Violation: 15 U.S.C. § 1
	)	(Bid Rigging)
Defendant.	)	Judge Todd

I N F O R M A T I O N

THE UNITED STATES OF AMERICA, ACTING THROUGH ITS ATTORNEYS, CHARGES:

That at all times material to this Information:

I.

DESCRIPTION OF THE OFFENSE

1. **CHARLES E. GREEN & SON, INC.** is made a defendant on the charge stated below.

2. The Milan Army Ammunition Plant is located in Milan, Tennessee and is owned by the United States Army.

3. Martin Marietta Ordnance Systems, Inc., hereinafter referred to as Martin Marietta, was contracted by the United States Army to operate the Milan Army Ammunition Plant to produce various types of ordnance and munitions.

4. Beginning in or about 1988 and continuing up to and including 1994, the exact dates being unknown to the United States, in the Western District of Tennessee and elsewhere the defendant and others entered into and 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.

5. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant

----------**CHARLES E. GREEN & SON, INC.**----------

and its co-conspirators, the substantial terms of which were to suppress and eliminate competition by rigging bids submitted to Martin Marietta at the Milan Army Ammunition Plant for the award and performance of subcontracts to supply components needed for the manufacture of ordnance and munitions. The charged 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 submit collusive, noncompetitive, and rigged bids to Martin Marietta for components needed for the manufacture of ordnance and munitions.

6. The conspiracy affected products that the defendant sold from its office in Newark, New Jersey.

7. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and its co-conspirators did those things that they combined and conspired to do, including:

a. Discussing among themselves the submission of intentionally high, complementary bids to Martin Marietta for components needed for the manufacture of ordnance and munitions; and

b. Submitting intentionally high, complementary bids to Martin Marietta for components needed for the manufacture of ordnance and munitions.

II.

DEFENDANT AND CO-CONSPIRATORS

8. **CHARLES E. GREEN & SON, INC.** is a corporation organized under the laws of the State of New Jersey, with its principal place of business at 625 Third Street, Newark, New Jersey 07107. During the period covered by this Information, **CHARLES E. GREEN & SON, INC.** engaged in the sale and distribution of products used in the manufacture of ammunition in the Western District of Tennessee and elsewhere.

9. Various individuals and corporations, not made defendants in this Information, participated as co-conspirators in the offense charged, and performed acts and made statements in furtherance thereof.

10. Whenever reference is made in this Information to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

III.

TRADE AND COMMERCE

11. During the period covered by this Information, the defendant and its co-conspirators purchased substantial quantities of raw materials, goods, and supplies in several states to produce ammunition components. The defendant and its co-conspirators then caused these raw materials, goods, and supplies to be transported across state lines to facilities located in several states, including New Jersey. The defendant and its co-conspirators then used these raw materials, goods, and supplies to produce ammunition components that were transported across state lines to the Milan Army Ammunition Plant in Tennessee.

12. The business activities of the defendant and its co-conspirators which are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

IV.

JURISDICTION AND VENUE

13. The conspiracy charged in this Information was carried out, in part, within the Western District of Tennessee within the five years preceding the filing of this Information.

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

DATE: _____

_____"/s/"_____
JOEL I. KLEIN
Assistant Attorney General

_____"/s/"_____
RICHARD E. REED

_____"/s/"_____
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_____"/s/"_____
JOHN T. ORR
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_____"/s/"_____
NEZIDA S. DAVIS
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VERONICA F. COLEMAN
United States Attorney
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