

MARC SIEGEL (CSBN 142071)  
DANA R. WAGNER (CSBN 209099)  
Antitrust Division  
U.S. Department of Justice  
450 Golden Gate Avenue  
Box 36046, Room 10-0101  
San Francisco, CA 94102  
Telephone: (415) 436-6660

Filed September 20, 2004

Attorneys for the United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO VENUE

UNITED STATES OF AMERICA	)	No. CR 04-0300 VRW
	)	
v.	)	<u>INFORMATION</u>
	)	
DEGUSSA U.K. HOLDINGS LTD.,	)	VIOLATION:
f/d/b/a LAPORTE PLC,	)	15 U.S.C. § 1 (Price-fixing)
	)	
Defendant.	)	

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

I.

DESCRIPTION OF THE OFFENSE

1. DEGUSSA U.K. HOLDINGS LTD. ("DEGUSSA") is made a defendant on the charge stated below.

2. Beginning in or about August 1997 and continuing until in or about March 1998, defendant DEGUSSA and its coconspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by fixing the prices of organic peroxides ("OP"), specifically t-butyl perbenzoate and t-butyl peracetate dedicated to styrene

Information – Degussa U.K. Holdings Ltd.

1 polymerization (“the Specified OP Products”), to be sold in the United States and elsewhere.  
2 The combination and conspiracy engaged in by the defendant and its coconspirators was in  
3 unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of  
4 the Sherman Act (15 U.S.C. § 1).

5 3. The charged combination and conspiracy consisted of a continuing agreement,  
6 understanding, and concert of action among the defendant and its coconspirators, the substantial  
7 terms of which were to agree to fix and maintain prices and to coordinate price increases for the  
8 Specified OP Products to be sold in the United States and elsewhere.

9 4. For the purpose of forming and carrying out the charged combination and  
10 conspiracy, the defendant and its coconspirators did those things that they combined and  
11 conspired to do, including, among other things:  
12

- 13 (a) participating in meetings and conversations to discuss the prices of the  
14 Specified OP Products to be sold in the United States and elsewhere;
- 15 (b) agreeing, during those meetings and conversations, to charge prices at  
16 certain levels and otherwise to increase and maintain prices of the  
17 Specified OP Products to be sold in the United States and elsewhere; and
- 18 (c) issuing price announcements and price quotations in accordance with the  
19 agreements reached.

## 20 II.

### 21 DEFENDANT AND COCONSPIRATORS

22 5. DEGUSSA is a corporation organized and existing under the laws of the United  
23 Kingdom. During the time period covered by this Information, DEGUSSA was engaged in the  
24 business of producing OP and selling it in the United States and elsewhere, and DEGUSSA had  
25 200 or more employees in its business unit that produced and sold the Specified OP Products.  
26 Individuals within the high-level personnel of that business unit participated in, condoned, and  
27 were willfully ignorant of offense.  
28

6. Various corporations and individuals, not made defendants in this Information, participated as coconspirators in the offense charged in this Information and performed acts and made statements in furtherance of it.

7. Whenever in this Information reference is made 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 affairs.

### III.

## TRADE AND COMMERCE

8. The Specified OP Products are industrial chemicals used in the manufacture of certain polystyrene products, including containers and packaging materials.

9. During the time period covered by this Information, the defendant and its coconspirators sold and distributed the Specified OP Products in a continuous and uninterrupted flow of interstate and foreign trade and commerce to customers located in states or countries other than the states or countries in which the defendant and its coconspirators produced the Specified OP Products.

10. During the time period covered by this Information, the volume of commerce attributable to DEGUSSA that was affected by the charged conspiracy was at least \$2,831,231.

//

//

//

//

//

//

//

1 //

2  
3 11. The business activities of the defendant and its coconspirators that are the subject  
4 of this Information were within the flow of, and substantially affected, interstate and foreign  
5 trade and commerce.  
6

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

8 Dated: 9/20/2004  
9  
10

11 \_\_\_\_\_/s/\_\_\_\_\_  
12 R. Hewitt Pate  
13 Assistant Attorney General  
14

\_\_\_\_\_/s/\_\_\_\_\_  
Phillip H. Warren  
Chief, San Francisco Office

15 \_\_\_\_\_/s/\_\_\_\_\_  
16 James M. Griffin  
17 Deputy Assistant Attorney General  
18

\_\_\_\_\_/s/\_\_\_\_\_  
Marc Siegel  
Assistant Chief, San Francisco Office

19 \_\_\_\_\_/s/\_\_\_\_\_  
20 Scott D. Hammond  
21 Director of Criminal Enforcement

\_\_\_\_\_/s/\_\_\_\_\_  
Dana R. Wagner  
Trial Attorney

22 United States Department of Justice  
23 Antitrust Division  
24 950 Pennsylvania Avenue, N.W.  
25 Washington, DC 20530

United States Department of Justice  
Antitrust Division  
450 Golden Gate Avenue  
Box 36036, Room 10-0101  
San Francisco, CA 94102

26 For /s/ \_ELC\_\_\_\_\_  
27 Kevin V. Ryan  
28 United States Attorney  
Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28