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10 UNITED STATES DISTRICT COURT
11
12 NORTHERN DISTRICT OF CALIFORNIA
13

14 UNITED STATES OF AMERICA,

15 v.

16 HOECHST AKTIENGESELLSCHAFT,

17 Defendant.

) No. CR 03 - 0035VRW
) Original Filed 2/6/03
) INFORMATION

) VIOLATION:
) Title 15, United States Code,
) Section 1 (Price Fixing, Market-
) Share Allocation)

) San Francisco Venue
)

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

19 I.

20 DESCRIPTION OF THE OFFENSE

21 1. HOECHST AKTIENGESELLSCHAFT ("HOECHST") is made a
22 defendant on the charge stated below.

23 2. Beginning in or about September 1995 and continuing until in or about
24 June 1997, defendant HOECHST and its coconspirators entered into and engaged
25 in a combination and conspiracy to suppress and eliminate competition by fixing the
26 prices and allocating the market shares of monochloroacetic acid and sodium

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

5 3. The charged combination and conspiracy consisted of a continuing
6 agreement, understanding, and concert of action among the defendant and its
7 coconspirators, the substantial terms of which were:

8 (a) to agree to fix and maintain prices and to coordinate price
9 increases for MCAA to be sold in the United States and
10 elsewhere; and

11 (b) to agree to allocate among major MCAA producers the market
12 shares of MCAA to be sold by each in the United States and
13 elsewhere.

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

17 (a) participating in meetings and conversations to discuss the prices
18 and market shares of MCAA to be sold in the United States and
19 elsewhere;

20 (b) agreeing, during those meetings and conversations, to charge
21 prices at certain levels and otherwise to increase and maintain
22 prices of MCAA to be sold in the United States and elsewhere;

23 (c) agreeing, during those meetings and conversations, to allocate
24 among major producers of MCAA the market shares of MCAA to
25 be sold by each in the United States and elsewhere;

26 (d) issuing price announcements and price quotations in accordance

1 with the agreements reached; and

2 (e) exchanging information on sales of MCAA in the United States
3 and elsewhere for the purpose of monitoring and enforcing
4 adherence to the agreed-upon market shares.

5 II.

6 DEFENDANT AND COCONSPIRATORS

7 5. HOECHST is a corporation organized and existing under the laws of
8 the Federal Republic of Germany. During the period covered by this Information,
9 HOECHST was engaged in the business of producing MCAA and exporting it to the
10 United States and elsewhere.

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

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

19 III.

20 TRADE AND COMMERCE

21 8. MCAA is a reactive chemical compound that is used to form a number
22 of intermediate chemicals. Markets for MCAA and its derivatives include drilling
23 fluids, plastic stabilizers, herbicides, and pharmaceuticals.

24 9. During the period covered by this Information, the defendant and its
25 coconspirators sold and distributed MCAA in a continuous and uninterrupted flow
26 of interstate and foreign trade and commerce to customers located in states or

1 countries other than the states or countries in which the defendant and its
2 coconspirators produced MCAA.

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

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

7 Dated:

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9 /s/

10 _____
R. Hewitt Pate
Acting Assistant Attorney General

/s/

11 _____
Phillip H. Warren
Chief, San Francisco Office

12 /s/

13 _____
James M. Griffin
Deputy Assistant Attorney General

/s/

14 _____
Marc Siegel
Dana R. Wagner

15 /s/

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Scott D. Hammond
Director of Criminal Enforcement

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20
21 /s/

22 _____
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