UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED

DEC - 3 2007

MICHAEL N. MILBY, CLERK OF COURT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	Criminal No. H 07 487
	§	
BRYAN ALLISON,	§	
DAVID BRAMMAR, and	§	
PETER WHITTLE	§	

CRIMINAL INFORMATION

The United States, through its attorneys, charges that:

DESCRIPTION OF THE OFFENSE

1. Beginning at least as early as 1999 and continuing until as late as May 2007, the exact dates being unknown to the United States, in Houston in the Southern District of Texas, and elsewhere, the defendants,

BRYAN ALLISON,
DAVID BRAMMAR, and
PETER WHITTLE,

did enter into and engage in a combination and conspiracy to suppress and eliminate competition by rigging bids, fixing prices and allocating market shares for sales of marine hose in the United States. The combination and conspiracy was in unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of the Sherman Antitrust Act (15 U.S.C. § 1).

2. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendants and co-conspirators, the substantial terms of which were to rig bids, fix prices, and allocate market shares for sales of marine hose in the United States.

MEANS AND METHODS OF THE CONSPIRACY

3. For the purpose of forming and carrying out the charged combination and conspiracy, the defendants and co-conspirators did those things that they combined and conspired to do, including, among other things:

(a) attended meetings and otherwise engaged in discussions in the United States and elsewhere by telephone, facsimile and electronic mail regarding the sale of marine hose;

(b) agreed during those meetings and discussions to allocate shares of the marine hose market among the conspirators;

(c) agreed during those meetings and discussions to a price list for marine hose in order to implement and monitor the conspiracy;

(d) agreed during those meetings and discussions not to compete for one another's customers either by not submitting prices or bids to certain customers or by submitting intentionally high prices or bids to certain customers;

(e) submitted bids in accordance with the agreements reached;

(f) provided information received from customers in the United States about upcoming marine hose jobs to defendant PETER WHITTLE who was not an employee of any of the marine hose manufacturers, but served as the coordinator of the conspiracy, acted as a clearinghouse for information to be shared among the conspirators and was paid by the manufacturers for coordinating the conspiracy;

(g) received marine hose prices for customers in the United States from defendant PETER WHITTLE;

(h) sold marine hose to customers in the United States at collusive and noncompetitive prices pursuant to the agreements reached;

(i) accepted payment for marine hose sold in the United States at collusive and noncompetitive prices;

(j) authorized or consented to the participation of subordinate employees in the conspiracy; and

(k) concealed the conspiracy and conspiratorial contacts through various means, including code names and private e-mail accounts and telephone numbers.

DEFENDANTS AND CO-CONSPIRATORS

4. During the entire period covered by this Information, defendant BRYAN ALLISON was an executive with oversight responsibility for the sale of marine hose of a firm located in Grimsby, United Kingdom, which was engaged in the manufacture and sale of marine hose and related products. From at least 2001, defendant was the managing director of this firm. The ultimate parent entity of that firm is a company located in Hanover, Germany.

5. During the entire period covered by this Information, defendant DAVID BRAMMAR was the sales and marketing director of a firm located in Grimsby, United Kingdom, which was engaged in the manufacture and sale of marine hose and related products. The ultimate parent entity of that firm is a company located in Hanover, Germany.

6. During the entire period covered by this Information, defendant PETER WHITTLE was the sole proprietor of a consulting business operated from the defendant's residence in Lincolnshire, United Kingdom. During the entire period covered by this Information, the principal business conducted by the defendant's consulting firm was to coordinate a bid-rigging, price-fixing and market share allocation conspiracy among manufacturers of marine hose. The marine hose manufacturers in the conspiracy each paid the defendant to coordinate the conspiracy. The defendant sent the conspirators regular reports summarizing the allocations to the manufacturers of previous marine hose jobs, and the status of current jobs.

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

TRADE AND COMMERCE

8. Marine hose is a flexible rubber hose used to transfer oil between tankers and storage facilities and/or buoys. During the period covered by this Information, the conspirator firms shipped marine hose in a continuous and uninterrupted flow of interstate and foreign commerce across state lines in the United States and from locations outside the United States to companies located in the United States. In addition, substantial quantities of related equipment, as well as payments for marine hose, traveled in interstate and foreign commerce. The victims of this conspiracy included companies involved in the off-shore extraction and/or transportation of petroleum products, as well as the United States Department of Defense.

9. During the period covered by this Information, the business activities of the defendants and their co-conspirators in connection with the manufacture and/or sale of marine hose that are the subject of this Information were within the flow of, and substantially affected, interstate and foreign trade and commerce. During the conspiracy, the defendants and their co-conspirators sold hundreds of millions of dollars worth of marine hose and related products in the United States and elsewhere.

JURISDICTION AND VENUE

10. The combination and conspiracy charged in this Information was carried out, in part, within the Southern District of Texas within the five years preceding the filing of this Information.

All in violation of Title 15, United States Code, Section 1.

Dated: 11/27/07

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