

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA)	
)	CASE NO. _____
v.)	
)	15 U.S.C. § 1
ATLAS IRON PROCESSORS, INC.;)	
SUNSHINE METAL PROCESSING, INC.;)	
ANTHONY J. GIORDANO, SR.;)	<u>INDICTMENT</u>
ANTHONY J. GIORDANO, JR.;)	
DAVID GIORDANO; and)	
RANDOLPH J. WEIL,)	
)	
Defendants.)	

The Grand Jury charges that:

I

DESCRIPTION OF THE OFFENSE

1. The following corporations and individuals are hereby indicted and made defendants on the charge stated below:
 - (a) ATLAS IRON PROCESSORS, INC.;
 - (b) SUNSHINE METAL PROCESSING, INC.;
 - (c) ANTHONY J. GIORDANO, SR.;
 - (d) ANTHONY J. GIORDANO, JR.;
 - (e) DAVID GIORDANO; and
 - (f) RANDOLPH J. WEIL.

2. Beginning at least as early as October 24, 1992, and continuing at least until November 23, 1992, the exact dates being unknown to the Grand Jury, the defendants and co-

conspirators entered into and engaged in a combination and conspiracy to suppress and restrain competition by fixing the price of scrap metal, and allocating suppliers of scrap metal, in southern Florida. The combination and conspiracy engaged in by the defendants and co-conspirators is an unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

3. 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:

- (a) to fix and maintain prices paid for scrap metal;
- (b) to coordinate price decreases for the purchase of scrap metal; and
- (c) to allocate suppliers of scrap metal.

II

MEANS AND METHODS OF THE CONSPIRACY

4. For the purpose of forming and carrying out the charged combination and conspiracy, the defendants and co-conspirators did the following things, among others:

- (a) met at various restaurants and elsewhere, and discussed and agreed upon fixing the price of scrap metal;
- (b) discussed and agreed to reduce the prices to be paid for scrap metal;
- (c) discussed and agreed upon the maximum price to be paid to specific suppliers of scrap metal;

- (d) discussed and agreed upon the maximum price to be paid to suppliers of scrap metal located in specific geographic areas of southern Florida;
- (e) discussed and agreed upon the prices to be paid for various categories and grades of scrap metal (e.g., sheet metal, appliances and white goods, whole cars, unprepared #2 scrap, prepared #2 scrap, unprepared #1 scrap and "logs");
- (f) discussed and agreed upon allocating suppliers of scrap metal, denying such suppliers a competitive price;
- (g) discussed and agreed upon the price to be paid for scrap metal resulting from the destruction caused by Hurricane Andrew;
- (h) bought scrap metal from suppliers at collusive, non-competitive prices;
- (i) paid suppliers for scrap metal at the agreed-upon, fixed prices; and
- (j) enlisted the support of others to help carry out the collusive agreement.

III

DEFENDANTS AND CO-CONSPIRATORS

5. Defendant ATLAS IRON PROCESSORS, INC., ("ATLAS") is a corporation organized and existing under the laws of Florida, with its principal places of business in Miami, Florida and Cleveland, Ohio. During the period covered by this Indictment, ATLAS did business in the Miami, Florida area under the name Miami River Recycling, Inc. During the period covered by this Indictment, Miami River Recycling, Inc., was a corporation organized and existing under the laws of the State of Florida. Miami River Recycling, Inc. changed its name to ATLAS IRON PROCESSORS, INC. (defendant ATLAS) on or about December 29, 1993. (For

purposes of this Indictment, any reference to ATLAS includes its business activities in Miami, Florida, under the name Miami River Recycling, Inc.) During the period covered by the Indictment, ATLAS purchased scrap metal primarily from suppliers located in southern Florida. ATLAS processed the scrap metal it purchased at a shredding facility located in Miami, Florida, and then sold and shipped, or caused to be sold and shipped, the processed scrap metal.

6. During the period covered by this Indictment, SUNSHINE METAL PROCESSING, INC., ("SUNSHINE") was a corporation organized and existing under the laws of the State of Florida, with its principal place of business in Opa Locka, Florida. During the period covered by this Indictment, SUNSHINE purchased scrap metal primarily from suppliers located in southern Florida. SUNSHINE processed the scrap metal it purchased at a shredding facility located in Opa Locka, Florida, and then sold and shipped, or caused to be sold and shipped, the processed scrap metal.

7. During the period covered by this Indictment, ANTHONY J. GIORDANO, SR. was the Chairman of ATLAS.

8. During the period covered by this Indictment, ANTHONY J. GIORDANO, JR. was the President and Chief Executive Officer of ATLAS.

9. During the period covered by this Indictment, DAVID GIORDANO was the Treasurer of ATLAS. In addition, DAVID GIORDANO was the Executive Vice-President and Chief Operations Officer of ATLAS.

10. During the period covered by this Indictment, RANDOLPH J. WEIL was the President of SUNSHINE.

11. Various persons, not made defendants in this Indictment, participated as co-

conspirators in the offense charged herein and performed acts and made statements in furtherance of it.

12. Whenever this Indictment refers to any act, deed, or transaction of any corporation or other legal entity, it means that the corporation or other legal entity engaged in the act, deed, or transaction by or through its owners, officers, directors, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

IV

TRADE AND COMMERCE

13. During the period covered by this Indictment, the defendants and co-conspirators purchased and shipped scrap metal, or caused scrap metal to be shipped, from suppliers located in and outside the State of Florida, including scrap metal purchased and imported from at least one country other than the United States.

14. During the period covered by this Indictment, the defendants and co-conspirators sold and shipped scrap metal, or caused scrap metal to be sold and shipped, to individuals and companies located in and outside the State of Florida, including scrap metal sold and exported to countries other than the United States.

15. During the period covered by this Indictment, the defendants and co-conspirators purchased, sold, and shipped scrap metal, or caused scrap metal to be purchased, sold and shipped, in a continuous and uninterrupted flow of interstate and foreign commerce involving individuals and companies located in states other than Florida and in countries other than the United States.

16. The business activities of the defendants and co-conspirators that are the subject of this

Indictment were within the flow of, and substantially affected, interstate and foreign trade and commerce.

V

JURISDICTION AND VENUE

17. The combination and conspiracy charged in this Indictment was carried out, in part, in the Southern District of Florida within the five years preceding the return of this Indictment.

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

A TRUE BILL

DATED:

_____/s/
FOREPERSON

_____/s/
JOEL I. KLEIN
Assistant Attorney General

_____/s/
GARY R. SPRATLING
Deputy Assistant Attorney General

_____/s/
JOHN T. ORR
Director of Criminal Enforcement

_____/s/
WILLIAM J. OBERDICK
Acting Chief
Cleveland Field Office
Antitrust Division
U.S. Department of Justice

_____/s/
THOMAS E. SCOTT
United States Attorney
Southern District of Florida

_____/s/
RICHARD T. HAMILTON, JR.
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