

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

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UNITED STATES OF AMERICA : Criminal No.
v. : Filed: CR 01-89-01JD
1256384 ONTARIO LIMITED : Violation: 15 U.S.C. §1
:
Defendant.

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INFORMATION

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

1. 1256384 Ontario Limited (“Ontario Limited”) is hereby made a defendant on the charge stated below.

DESCRIPTION OF THE OFFENSE

2. Beginning at least as early as Spring 1998 and continuing until at least Fall 1998, the exact dates being unknown to the United States, the defendant and co-conspirators 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).

3. The aforesaid 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 rig bids for the sale of tactile tile to the Long Island Railroad located in New York.

4. For the purpose of forming and effectuating the aforesaid combination and conspiracy, the defendant and co-conspirators did those things which they combined and conspired to do, including, among other things:

(a) participating in conversations to discuss the bid prices to be submitted to the Long Island Railroad for the supply of tactile tile, including telephone conversations occurring in the District of New Hampshire;

(b) agreeing, during such conversations, to submit artificially high, complementary bids for the sale of tactile tile to the Long Island Railroad;

(c) submitting artificially high, complementary bids for the sale of tactile tile to the Long Island Railroad.

DEFENDANT AND CO-CONSPIRATORS

5. Defendant Ontario Limited is incorporated and is located in Oakville, Ontario, Canada. During the period covered by this Information, Ontario Limited, through its subsidiary Engineered Plastics Incorporated (Canada) and Engineered Plastics Inc. (U.S.), a related company, was engaged in the sale or sale and installation of tactile tile throughout the United States.

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

7. Various persons and companies, not made defendants herein, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

TRADE AND COMMERCE

8. Tactile tile is designed to warn visually impaired persons that they are approaching a dangerous area. It is typically sold to public transportation authorities or to contractors hired to perform construction for public transportation authorities and is typically installed along the edge of train platforms.

9. During the period covered by this Information, substantial quantities of tactile tile were sold or installed by Ontario Limited and co-conspirators throughout the United States.

10. During the period covered by this Information, the activities of the defendant and co-conspirators with respect to the sale or sale and installation of tactile tile were within the flow of, and substantially affected, interstate commerce.

JURISDICTION AND VENUE

11. The aforesaid combination and conspiracy was carried out, in part, within the District of New Hampshire within the five years preceding the filing of this Information.

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

Dated:

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