UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

08-60338 CASE NO. CR-MARRA MAGISTRATE JUDGE VITUNAC
15 U.S.C. § 1

UNITED STATES OF AMERICA	)
v.	)
DUNLOP OIL & MARINE LTD.,	)
Defendant	)

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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 2, 2007, the exact dates being unknown to the United States, in Broward and Monroe Counties in the Southern District of Florida, and elsewhere, the defendant

DUNLOP OIL & MARINE LTD.

and co-conspirators 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 and elsewhere. The combination and conspiracy was in unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

2. The charged 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, fix prices, and allocate market shares for sales of marine hose in the United States and elsewhere. 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.

MEANS AND METHODS OF THE CONSPIRACY

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

(a) attended meetings or 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 and elsewhere about upcoming marine hose jobs to a co-conspirator who was

not an employee of any of the marine hose manufacturers, but who 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 and elsewhere from the co-conspirator coordinator of the conspiracy;

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

(i) accepted payment for marine hose sold in the United States and elsewhere 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 email accounts and telephone numbers.

DEFENDANT AND CO-CONSPIRATORS

4. During the entire period covered by this Information, defendant DUNLOP OIL & MARINE LTD. ("DUNLOP") was a corporation organized and existing under the laws of the United Kingdom, with its principal place of business in Grimsby, England. During the entire period, DUNLOP manufactured marine hose in England and sold it in the United States and elsewhere.

5. 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.

6. 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, agents, employees, or other representatives while they were actively engaged in the management, direction, control or transaction of its business or affairs.

TRADE AND COMMERCE

7. 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 to companies located in states and countries outside the place of origin of the shipments. In addition, substantial quantities of related equipment, as well as payments for marine hose, traveled in interstate and foreign commerce.

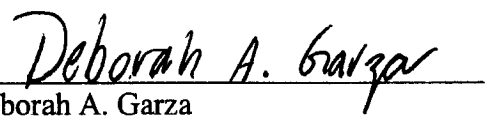
8. During the period covered by this Information, the business activities of the defendant and its co-conspirators in connection with the manufacture and/or sale of marine hose that are the subject of this Information were within the flow of, and substantially affected, interstate and foreign trade and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

JURISDICTION AND VENUE

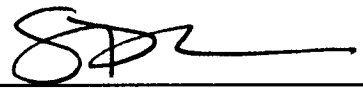
9. The combination and conspiracy charged in this Information was carried out, in part, within the Southern District of Florida within the five years preceding the filing of this Information.

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

Dated:

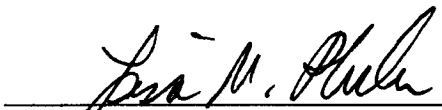


Deborah A. Garza
Acting Assistant Attorney General

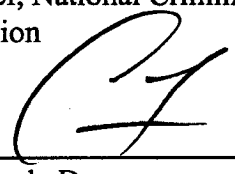


Scott D. Hammond
Deputy Assistant Attorney General

Marc Siegel
Director of Criminal Enforcement
Antitrust Division



Lisa M. Phelan
Chief, National Criminal Enforcement Section



J. Brady Dugan
Craig Y. Lee
Portia R. Brown
Jon B. Jacobs
Attorneys, Antitrust Division
U.S. Department of Justice
National Criminal Enforcement Section
450 5th Street, NW, Suite 11300
U.S. Department of Justice
Washington, DC 20530
202-514-1953