

FILED

NOV - 4 2021

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

Clerk, U. S. District Court
Eastern District of Tennessee
At Knoxville

UNITED STATES OF AMERICA

v.

EMMANUEL HOURIZADEH, and
RAYMOND NOUVAHIAN

No. 3:21-cr- 143
Judges VARLAN / GUYTON

Filed:

Violation: 15 U.S.C. § 1

INFORMATION

The United States of America, acting through its attorneys, charges that, at all times relevant to the Information:

I.

DESCRIPTION OF THE OFFENSE

1. EMMANUEL HOURIZADEH and RAYMOND NOUVAHIAN are hereby made Defendants on the charge contained in this Information.

2. Beginning in at least November 2017 and continuing until on or about October 29, 2019, the exact dates being unknown to the United States, in the Eastern District of Tennessee and elsewhere, the Defendants and their co-conspirators—other persons and entities engaged in the sales and distribution of video media contained on digital video discs and Blu-Ray discs (hereinafter, collectively, “DVDs and Blu-Ray Discs”) through the Amazon Marketplace platform—knowingly entered into and engaged in a combination and conspiracy to suppress and eliminate competition by fixing prices for DVDs and Blu-Ray Discs sold through the Amazon Marketplace platform to customers located throughout the United States. The combination and conspiracy engaged in by the Defendants and co-conspirators was a *per se*

unlawful, and thus 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 to fix, maintain prices, and coordinate price increases of DVDs and Blu-Ray Discs sold through the Amazon Marketplace platform to customers located throughout the United States.

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 those things that they combined and conspired to do, including, among other things:

- a. engaged in at least one discussion with a co-conspirator in which the defendant, located outside of the Eastern District of Tennessee, requested that the storefront operated by David Camp (*see* No. 3:21-cr-83, E.D. Tenn.), located in Sweetwater, Tennessee, raise its prices on DVDs and Blu-Ray Discs;
- b. agreed during those discussions to suppress competition by raising and maintaining particular pricing for DVDs and Blu-Ray Discs sold through the Amazon Marketplace platform to customers located throughout the United States;
- c. agreed during those discussions to monitor and exchange pricing with one another and others in order to implement and enforce this agreement;
- d. agreed during those discussions to establish floor pricing for DVDs and Blu-Ray Discs sold through the Amazon Marketplace platform to customers

located throughout the United States;

e. monitored current pricing of DVDs and Blu-Ray Discs offered by sellers on the Amazon Marketplace platform to customers located throughout the United States;

f. communicated with one another through the use of interstate wire transmissions including email, text message, and phone calls;

g. sold DVDs and Blu-Ray Discs through the Amazon Marketplace platform within the United States at collusive and noncompetitive prices; and

h. accepted payment for sales of DVDs and Blu-Ray Discs sold through the Amazon Marketplace platform to customers located throughout the United States at collusive and noncompetitive prices.

BACKGROUND

5. DVDs and Blu-Ray Discs are forms of optical disc storage that are sold on the Amazon Marketplace platform. The Amazon Marketplace platform is an e-commerce platform owned and operated by Amazon.com, Inc. ("Amazon") in the United States that enables third-party vendors to list their products and pricing in order to compete with one another and, at times, with Amazon for the sale of new or used products to customers on Amazon's website. The Amazon Marketplace platform is itself a component of the Amazon.com website.

III.

DEFENDANTS AND CO-CONSPIRATORS

6. During the period covered by this Information, HOURIZADEH and NOUVAHLIAN jointly operated a number of virtual storefronts on the Amazon Marketplace platform with business addresses located, among other places, in Valley Stream, New York;

Brentwood, New York; Panama City Beach, Florida; and Terre Haute, Indiana. NOUVAHIAN and HOURIZADEH were both responsible for establishing pricing for all of their storefronts. During the period covered by this Information, the Defendants were distributors or sellers of DVDs and Blu-Ray Discs and sold DVDs and Blu-Ray Discs on the Amazon Marketplace platform through the Defendants' virtual storefronts.

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.

8. 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 his officers, directors, agents, employees, or other representatives while they were actively engaged in the management, direction, control or transaction of his business or affairs.

IV.

TRADE AND COMMERCE

9. During the period covered by this Information, the Defendants and their co-conspirators delivered DVDs and Blu-Ray Discs from locations around the United States, throughout the United States for further distribution to purchasers located throughout the United States. At least one co-conspirator delivered DVDs and Blu-Ray Discs from within the Eastern District of Tennessee to Amazon locations.

10. During the period covered by this Information, the business activities of the Defendants and their co-conspirators in connection with the sale of DVDs and Blu-Ray Discs through the Amazon Marketplace platform to customers located throughout the United States that are the subject of this Information were within the flow of, and substantially affected,

interstate commerce:

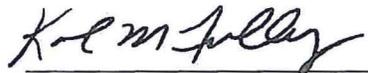
ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.



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