

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

V.

ARCTIC GLACIER
INTERNATIONAL INC.,

Defendant.

Criminal No.

109CR 149

WEBER

Filed:

Violation: 15 U.S.C. § 1

INFORMATION

CONSPIRACY TO RESTRAIN TRADE

(15 U.S.C. § 1)

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

1. Arctic Glacier International Inc. is hereby made a defendant on the charge stated below.

I

DESCRIPTION OF THE OFFENSE

2. Beginning January 1, 2001, and continuing until at least July 17, 2007, the exact dates being unknown to the United States, the defendant and co-conspirators entered into and engaged in a conspiracy to suppress and eliminate competition by allocating packaged-ice customers in southeastern Michigan and the Detroit, Michigan metropolitan area. The

charged conspiracy unreasonably restrained interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

3. The charged conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and co-conspirators, the substantial terms of which were to allocate packaged-ice customers in southeastern Michigan and the Detroit, Michigan metropolitan area.

II

MEANS AND METHODS OF THE CONSPIRACY

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

(a) participated in meetings and conversations to discuss packaged-ice customers in southeastern Michigan and the Detroit, Michigan metropolitan area;

(b) agreed, during those meetings and conversations, to allocate packaged-ice customers in southeastern Michigan and the Detroit, Michigan metropolitan area;

(c) exchanged information during those meetings and conversations, for the purpose of monitoring and enforcing adherence to the agreements to allocate customers in southeastern Michigan and the Detroit, Michigan metropolitan area; and

(d) refrained from competing for packaged-ice customers that were so allocated.

III

DEFENDANT AND CO-CONSPIRATORS

5. Arctic Glacier International Inc., the defendant, is a corporation organized and existing under the laws of the state of Delaware and does business in multiple states with its principal place of business in St. Paul, Minnesota. During the relevant period, the defendant acquired various packaged-ice manufacturers, doing business in Michigan.

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

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

IV

TRADE AND COMMERCE

8. During the period covered by this Information, the defendant and co-conspirators: (1) manufactured packaged ice; (2) distributed packaged ice to retailers in southeastern Michigan and the Detroit,

Michigan metropolitan area; and (3) caused packaged ice to be purchased from, sold to, or distributed from or to, individuals and companies located inside and outside of southeastern Michigan and the Detroit, Michigan metropolitan area.

9. During the period covered by this Information, substantial quantities of packaged ice manufactured and sold by the defendant was shipped across state lines in a continuous and uninterrupted flow of interstate trade and commerce.

10. The business activities of the defendant and co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

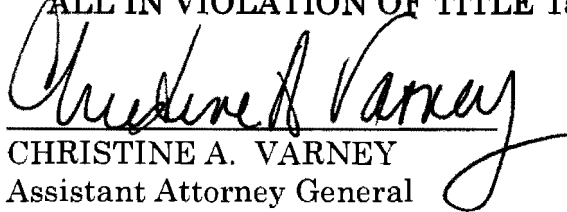
V

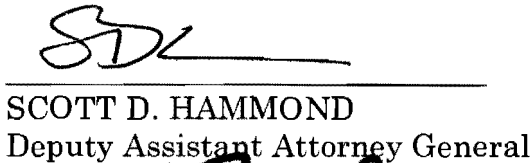
VENUE

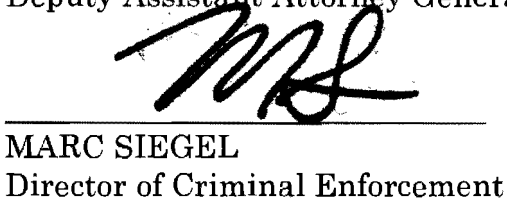
11. The conspiracy charged in this Information was formed and carried out within the Southern District of Ohio, Western Division. At least one of the conspiratorial meetings or discussions described above took place in Cincinnati, Ohio, which is located within the Southern District of Ohio. Acts in furtherance of

this conspiracy were carried out within the five years proceeding the filing of this Information.

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

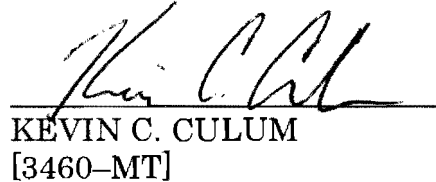

CHRISTINE A. VARNEY
Assistant Attorney General


SCOTT D. HAMMOND
Deputy Assistant Attorney General


MARC SIEGEL
Director of Criminal Enforcement

Antitrust Division
U.S. Department of Justice


SCOTT M. WATSON
Chief, Cleveland Field Office


KEVIN C. CULUM
[3460-MT]

DONALD M. LYON
[WA 19207]

MACHELLE L. JINDRA
[OH 0082066]

Attorneys
Antitrust Division
U.S. Department of Justice
Carl B. Stokes U.S. Court House
801 W. Superior Avenue, 14th Fl.
Cleveland, OH 44113-1857
Telephone: (216) 687-8415
Fax: (216) 687-8423
E-mail: kevin.culum@usdoj.gov

Dated: