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7
UNITED STATES DISTRICT COURT
8
FOR THE NORTHERN DISTRICT OF CALIFORNIA
9

10 UNITED STATES OF AMERICA)

11 v.)

12 AVAR CONSTRUCTION SYSTEMS, INC.,)

13 and)

14 RENE FRIEDRICH,)

Defendants.)

No. CR 00 20271

INFORMATION

VIOLATION:

Title 15, United States Code,
Section 1 (Price Fixing)

San Jose Venue
Filed: August 24, 2000

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

17 I.

18 DESCRIPTION OF THE OFFENSE

19 1. AVAR CONSTRUCTION SYSTEMS, INC. ("AVAR") and RENE
20 FRIEDRICH are made defendants on the charge stated below.

21 2. Beginning in or about December 1994 and continuing until in or about
22 August 1996, the exact dates being unknown to the United States, the defendants
23 and co-conspirators participated in a combination and conspiracy in unreasonable
24 restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act
25 (15 U.S.C. § 1). The charged combination and conspiracy consisted of a continuing
26 agreement, understanding, and concert of action among the defendants and

INFORMATION -- Page 1

1 co-conspirators, the substantial terms of which were to fix and maintain prices and
2 divide the market through allocating market shares for certain post-tensioning bridge
3 projects in California.

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

- 7 (a) participating in conversations to discuss post-tensioning bridge projects in
8 California;
- 9 (b) agreeing, during those conversations, to allocate market shares among
10 the co-conspirators, including allocating a market share to defendant
11 AVAR;
- 12 (c) issuing bids and price quotations in accordance with the agreements
13 reached; and
- 14 (d) exchanging information on sales of post-tensioning bridge projects in
15 California, for the purpose of monitoring and enforcing adherence to the
16 agreed-upon market shares.

17 II.

18 DEFENDANTS AND CO-CONSPIRATORS

19 4. Defendant AVAR is a corporation organized and existing under the laws
20 of the state of California, with its principal place of business in Campbell, California.
21 During the period covered by this Information, defendant AVAR was engaged in the
22 business of selling post-tensioning services, materials, and supplies used in bridge
23 construction.

24
25 5. Defendant FRIEDRICH is a resident of the United States and citizen of
26 Switzerland. During the period covered by this Information, defendant FRIEDRICH

was the Project Manager of defendant AVAR, stationed in Campbell, California.

6. 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 of it.

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

III.

TRADE AND COMMERCE

8. Post-tensioning is a specialty construction system used to reinforce concrete in bridges and other structures.

9. During the period covered by this Information, the defendants and co-conspirators purchased, sold, and distributed post-tensioning materials and supplies in a continuous and uninterrupted flow of interstate commerce from the states of manufacture to customers located in California. In addition, some of the post-tensioning bridge projects allocated by the defendants and co-conspirators pursuant to the market division scheme were part of the interstate highway system and paid for by federal monies.

10. The business activities of the defendants and co-conspirators in carrying out the offense charged were within the flow of, and substantially affected, interstate trade and commerce.

VI

IV.

JURISDICTION AND VENUE

11. The combination and conspiracy charged in this Information was carried out, in part, in the Northern District of California, within the five years preceding the filing of this Information.

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

_____/s/_____
Joel I. Klein
Assistant Attorney General

_____/s/_____
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Chief

_____/s/_____
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"/s/"

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"/s/"
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