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

10 UNITED STATES OF AMERICA)	No. CR 00 20271
)	
11 v.)	INFORMATION
)	
12 AVAR CONSTRUCTION SYSTEMS, INC.,)	VIOLATION:
)	
13 and)	Title 15, United States Code,
)	Section 1 (Price Fixing)
14 RENE FRIEDRICH,)	
)	San Jose Venue
15 Defendants.)	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

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

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

5 7. Whenever in this Information reference is made to any act, deed, or
6 transaction of any corporation, the allegation means that the corporation engaged in
7 the act, deed, or transaction by or through its officers, directors, employees, agents, or
8 other representatives while they were actively engaged in the management, direction,
9 control, or transaction of its business or affairs.

10 III.

11 TRADE AND COMMERCE

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

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

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

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IV.

1 JURISDICTION AND VENUE

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

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

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10 _____"/s/"_____
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_____"/s/"_____
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