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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO VENUE

12 UNITED STATES OF AMERICA)	No. CR 04-0300 VRW
)	
14 v.)	<u>INFORMATION</u>
)	
15 DEGUSSA U.K. HOLDINGS LTD.,)	VIOLATION:
f/d/b/a LAPORTE PLC,)	15 U.S.C. § 1 (Price-fixing)
)	
16 Defendant.)	
)	

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

20 I.

21 DESCRIPTION OF THE OFFENSE

- 22 1. DEGUSSA U.K. HOLDINGS LTD. (“DEGUSSA”) is made a defendant on the
23 charge stated below.
- 24 2. Beginning in or about August 1997 and continuing until in or about March 1998,
25 defendant DEGUSSA and its coconspirators entered into and engaged in a combination and
26 conspiracy to suppress and eliminate competition by fixing the prices of organic peroxides
27 (“OP”), specifically t-butyl perbenzoate and t-butyl peracetate dedicated to styrene
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1 polymerization (“the Specified OP Products”), to be sold in the United States and elsewhere.
2 The combination and conspiracy engaged in by the defendant and its coconspirators was in
3 unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of
4 the Sherman Act (15 U.S.C. § 1).

5 3. The charged combination and conspiracy consisted of a continuing agreement,
6 understanding, and concert of action among the defendant and its coconspirators, the substantial
7 terms of which were to agree to fix and maintain prices and to coordinate price increases for the
8 Specified OP Products to be sold in the United States and elsewhere.

9 4. For the purpose of forming and carrying out the charged combination and
10 conspiracy, the defendant and its coconspirators did those things that they combined and
11 conspired to do, including, among other things:
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- 13 (a) participating in meetings and conversations to discuss the prices of the
14 Specified OP Products to be sold in the United States and elsewhere;
- 15 (b) agreeing, during those meetings and conversations, to charge prices at
16 certain levels and otherwise to increase and maintain prices of the
17 Specified OP Products to be sold in the United States and elsewhere; and
- 18 (c) issuing price announcements and price quotations in accordance with the
19 agreements reached.

20 II.

21 DEFENDANT AND COCONSPIRATORS

22 5. DEGUSSA is a corporation organized and existing under the laws of the United
23 Kingdom. During the time period covered by this Information, DEGUSSA was engaged in the
24 business of producing OP and selling it in the United States and elsewhere, and DEGUSSA had
25 200 or more employees in its business unit that produced and sold the Specified OP Products.
26 Individuals within the high-level personnel of that business unit participated in, condoned, and
27 were willfully ignorant of offense.
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