1 2 3 4 5	MARC SIEGEL (CSBN 142071) DANA R. WAGNER (CSBN 209099) Antitrust Division U.S. Department of Justice 450 Golden Gate Avenue Box 36046, Room 10-0101 San Francisco, CA 94102 Telephone: (415) 436-6660		Filed September 20, 2004	
6	Attorneys for the United States			
7				
8	UNITED STATES DISTRICT COURT			
9	NORTHERN DISTRICT OF CALIFORNIA			
10 11	SAN FRANCISCO VENUE			
11 12				
12	UNITED STATES OF AMERICA)	No. CR 04-0300 VRW	
14	V.)	INFORMATION	
15	DEGUSSA U.K. HOLDINGS LTD., f/d/b/a LAPORTE PLC,		VIOLATION: 15 U.S.C. § 1 (Price-fixing)	
16	Defendant.)	15 0.5.e. § 1 (1 nee-nxing)	
17	Derendant.	_)		
18				
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 25	2. Beginning in or about August 1997	and con	ntinuing until in or about March 1998,	
25 26	defendent DECUSSA and its accompriseders entered into and engaged in a combination and			
26 27	conspiracy to suppress and eliminate competition by fixing the prices of organic peroxides			
27 28	("OP"), specifically t-butyl perbenzoate and t-butyl peracetate dedicated to styrene			
-0	Information – Degussa U.K. Holdings Ltd.			

polymerization ("the Specified OP Products"), to be sold in the United States and elsewhere. The combination and conspiracy engaged in by the defendant and its coconspirators was in 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 defendant and its coconspirators, the substantial terms of which were to agree to fix and maintain prices and to coordinate price increases for the Specified OP Products to be sold in the United States and elsewhere.

4. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and its coconspirators did those things that they combined and conspired to do, including, among other things:

- (a) participating in meetings and conversations to discuss the prices of the
 Specified OP Products to be sold in the United States and elsewhere;
- (b) agreeing, during those meetings and conversations, to charge prices at certain levels and otherwise to increase and maintain prices of the Specified OP Products to be sold in the United States and elsewhere; and
 (c) issuing price announcements and price quotations in accordance with the

II.

agreements reached.

DEFENDANT AND COCONSPIRATORS

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

Information – Degussa U.K. Holdings Ltd.

6. Various corporations and individuals, not made defendants in this Information, participated as coconspirators in the offense charged in this Information 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 affairs.

III.

TRADE AND COMMERCE

8. The Specified OP Products are industrial chemicals used in the manufacture of certain polystyrene products, including containers and packaging materials.

9. During the time period covered by this Information, the defendant and its coconspirators sold and distributed the Specified OP Products in a continuous and uninterrupted flow of interstate and foreign trade and commerce to customers located in states or countries other than the states or countries in which the defendant and its coconspirators produced the Specified OP Products.

10. During the time period covered by this Information, the volume of commerce attributable to DEGUSSA that was affected by the charged conspiracy was at least \$2,831,231.

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3	11. The business activities of the defendant and its coconspirators that are the subject		
4	of this Information were within the flow of, and substantially affected, interstate and foreign		
5	trade and commerce.		
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7	ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.		
8	Dated: 9/20/2004		
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11	/s//s/		
12	R. Hewitt PatePhillip H. WarrenAssistant Attorney GeneralChief, San Francisco Office		
13			
14			
15	James M. Griffin Marc Siegel		
16 17	Deputy Assistant Attorney General Assistant Chief, San Francisco Office		
17			
10	/s/ /s/		
20	Scott D. HammondDana R. WagnerDirector of Criminal EnforcementTrial Attorney		
21			
22	United States Department of JusticeUnited States Department of JusticeAntitrust DivisionAntitrust Division		
23	950 Pennsylvania Avenue, N.W. 450 Golden Gate Avenue		
24	Washington, DC 20530Box 36036, Room 10-0101 San Francisco, CA 94102		
25			
26	For /s/ ELC		
27	Kevin V. Ryan United States Attorney		
28	Northern District of California		
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