

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

|                                    |   |                                |
|------------------------------------|---|--------------------------------|
| <b>UNITED STATES OF AMERICA</b>    | ) | <b>Filed: [3/6/96]</b>         |
|                                    | ) |                                |
| <b>v.</b>                          | ) | <b>Crim. No. 3-96-CR-097-T</b> |
|                                    | ) |                                |
| <b>ETI EXPLOSIVES TECHNOLOGIES</b> | ) |                                |
| <b>INTERNATIONAL INC.,</b>         | ) | <b>15 U.S.C. § 1</b>           |
|                                    | ) |                                |
| <b>Defendant.</b>                  | ) | <b>Judge: Maloney</b>          |

**INFORMATION**

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

1. ETI EXPLOSIVES TECHNOLOGIES INTERNATIONAL INC. is made a defendant.

**I.**

**DESCRIPTION OF THE OFFENSE**

2. Beginning sometime in mid-1992 and continuing at least until late 1993, the exact dates being unknown to the United States, the defendant and co-conspirators entered into and engaged in a combination and conspiracy to restrain competition for commercial explosives sold to certain customers located in Alaska. The combination and conspiracy unreasonably restrained interstate trade and commerce in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

3. The combination and conspiracy consisted of a continuing agreement, understanding and concert of action among the defendant and co-conspirators to bid

or quote prices at or above particular levels for the sale of commercial explosives to certain customers located in Alaska.

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

(a) met, discussed and agreed to bid or quote prices at or above particular levels for the sale of commercial explosives to certain customers located in Alaska; and

(b) submitted bids or quotes pursuant to their agreement.

## II.

### **DEFENDANT AND CO-CONSPIRATORS**

5. The defendant is a Delaware corporation headquartered in Wilmington, Delaware. It is engaged in the manufacture, distribution and sale of commercial explosives throughout the United States. At all times relevant to this Information, the defendant did business in Alaska through a wholly owned distributor.

6. Various persons and firms, not made defendants in this Information, participated as co-conspirators in the charged combination and conspiracy, 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, directors, agents, employees 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. Commercial explosives are chemical products, such as high explosives and blasting agents, initiating devices and accessories that are used in the coal and metal mining, quarry, logging, seismic exploration and construction industries.

9. During the period covered by this Information, the defendant and co-conspirators sold and distributed commercial explosives in Alaska that were manufactured outside of that state. These commercial explosives were shipped in a continuous and uninterrupted flow of interstate commerce from their places of manufacture to customers located in Alaska.

10. The 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.

### IV.

#### **JURISDICTION AND VENUE**

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

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

Dated:

\_\_\_\_\_/s/\_\_\_\_\_  
ANNE K. BINGAMAN  
Assistant Attorney General

\_\_\_\_\_/s/\_\_\_\_\_  
TERRENCE F. McDONALD  
Texas Bar No. 13559525

\_\_\_\_\_/s/\_\_\_\_\_  
GARY R. SPRATLING  
Deputy Assistant Attorney General

\_\_\_\_\_/s/\_\_\_\_\_  
KATHERINE A. SCHLECH  
Virginia Bar No. 17947

\_\_\_\_\_/s/\_\_\_\_\_  
ANTHONY V. NANNI  
Chief, Litigation I Section  
Antitrust Division

\_\_\_\_\_/s/\_\_\_\_\_  
ARNOLD C. CELNICKER  
Georgia Bar No. 118050

\_\_\_\_\_/s/\_\_\_\_\_  
EVANGELINA M. ALMIRANTEARENA  
California Bar No. 138765

Attorneys  
Litigation I Section  
U.S. Department of Justice  
Antitrust Division  
1401 H Street, N.W., Suite 4000  
Washington, D.C. 20530  
(202) 307-1159