

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- - - - -x

UNITED STATES OF AMERICA :

v. : 04-CRIM. 847

JOEL GORKOWSKI : Filed: 8/10/04

 : Violation:
 : 18 U.S.C. § 1623

Defendant. :
- - - - -x

INFORMATION

COUNT ONE - FALSE DECLARATIONS BEFORE A GRAND JURY
(18 U.S.C. § 1623)

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

1. Joel Gorkowski is hereby made a defendant on the charge stated below.

I. DESCRIPTION OF THE OFFENSE

2. At all times relevant Joel Gorkowski was employed in the linen supply industry.

3. On July 10, 2003, Joel Gorkowski testified under oath as a witness before a federal grand jury empaneled by the United States District Court for the Southern District of New York, sitting in Manhattan, and knowingly made false material declarations concerning matters the grand jury was investigating, in violation of 18 U.S.C. §1623.

4. At that time and place, the grand jury was conducting an investigation to

determine, among other things, if any person or company engaged in the linen supply industry in the New York metropolitan area had committed any violations of the Sherman Act, 15 U.S.C. §1, or other federal criminal laws, in the Southern District of New York and elsewhere.

5. It was material to the grand jury's investigation to determine whether Joel Gorkowski had knowledge of or information concerning customer allocation agreements or other collusive conduct involving representatives of companies engaged in the linen supply industry in the New York metropolitan area. It was also material to the grand jury's investigation to determine whether Joel Gorkowski had participated in such conduct.

6. At that time and place, Joel Gorkowski, while under oath, knowingly declared falsely before the federal grand jury with respect to the following aforesaid material matters as follows:

[Declarations charged as false are underscored.]

Q: Is there a time during your 27 years in the linen industry that you became aware of an agreement or an understanding whereby one linen supply company would not go after and actively solicit existing accounts of other linen supply companies?

A: Are you asking me if there's any kind of agreement between the

companies?

Q: Or are you aware of any understanding or –

A: No.

Q: – to that effect?

A: No. Generally, you know, I was basically in Connecticut, I have taken business from every single company, every single one of them. That's how I built the business.

* * *

Q: But my question is, you were not aware of any understanding or agreement between and among competing–

A: No. I took business from everybody, even in New York.

* * *

Q: I have just asked you the question. Are you aware that friendly competitors are not to go after existing accounts of the other friendly competitors?

A: I have never heard that.

Q: Are you aware that friendly competitors– if you were to make a quote to a friendly competitor's customer, that you were to purposely quote high prices?

A: No.

* * *

Q: Did you ever place or receive phone calls to [a specified competing linen supply company, hereinafter "LS-1"] concerning customers?

A: No.

* * *

7. These declarations of Joel Gorkowski, as he then and there knew, were false in that he knew that there was an understanding between his employer and its major competitors not to compete for each other's existing customers and that he had placed and received telephone calls from LS-1 concerning specific customers.

8. The aforesaid declarations of Joel Gorkowski were in the Southern District of New York within the period of any applicable statute of limitations, in violation of Title 18, U.S.C. §1623.

Dated:

/s/ _____
R. HEWITT PATE
Assistant Attorney General

/s/ _____
RALPH T. GIORDANO
Chief, New York Office

/s/ _____
JAMES M. GRIFFIN
Deputy Assistant Attorney General

/s/ _____
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