

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

2007 NOV -5 PM 4:20

UNITED STATES OF AMERICA,

Plaintiff

v.

THE HOME CITY ICE COMPANY,

Defendant.

Criminal No.

1:07CR 0140

FILED UNDER SEAL

Filed:

WEBER

MOTION TO FILE UNDER SEAL

For the reasons stated below, the United States requests that the Court enter an order requiring the Information and all other papers, including this motion and order, in this case be filed under seal so that the existence of these documents will not be made public until the defendant appears in Court to enter its plea.

The Information charges Defendant, The Home City Ice Company, with engaging in a conspiracy to suppress and eliminate competition by allocating packaged ice customers and territories in southeastern Michigan and the Detroit, Michigan metropolitan area in violation of Section 1 of the Sherman Act (15 U.S.C. § 1). The Defendant agrees as part of its Plea Agreement with the United States, to cooperate, including covertly, with the

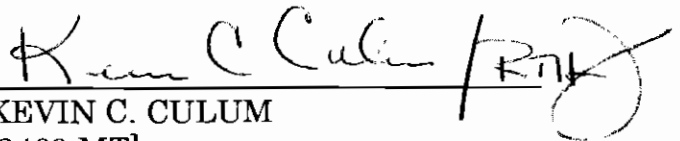
continuing investigation of the packaged ice industry. In order to maximize the Defendant's cooperation, it is important that the Defendant's co-conspirators remain unaware of its cooperation until the covert phase of the investigation ends. At that time, the United States will move to unseal the Information and the Defendant will enter its plea of guilty in open court.

Therefore, because the investigation of the ice industry is an active, covert investigation, public disclosure of the Defendant's cooperation is likely to impede law enforcement efforts. The United States requests that the aforementioned Information be filed under seal.

Respectfully Submitted,



SCOTT M. WATSON
Chief, Cleveland Field Office



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