IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)	
	)	Criminal No.03-627
v.	)	
	)	Filed: 9/24/2003
JACOBUS JOHAN ANTON KROEF,	)	
	)	Violation: 18 U.S.C. § 1512(b)(1)
Defendant.	)	

INFORMATION

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

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OFFENSE CHARGED

1. Jacobus Johan Anton Kroef is made a defendant on the charge contained in this Information.

2. During the period 1980 until January 1998, defendant Jacobus Johan Anton Kroef was the Managing Director in Europe for the Industrial and Traction Division of The Morgan Crucible Company plc ("Morgan"), a company located and headquartered in Windsor, England. During the period beginning in January 1998 and ending in or around December 2000, the defendant was Chairman of the Industrial and Traction Division of Morgan. Beginning in or around January 2001, the defendant became a paid consultant for Morgan. During the period set forth in this Information, Morgan and its subsidiaries were engaged in the manufacture and sale of certain carbon products sold to customers in the United States and elsewhere.

3. From in or about April 1999 to the present, a federal grand jury sitting in the Eastern District of Pennsylvania has been investigating, among other things, possible federal antitrust offenses in the carbon products industry.

4. In or about April 1999, the federal grand jury sitting in the Eastern District of Pennsylvania and investigating a conspiracy to fix the price of various carbon products sold in the United States and elsewhere issued a subpoena duces tecum to Morganite Industries, Inc., a United States subsidiary of Morgan.

5. From in or about November 1999, and continuing thereafter until in or about December 2000, the defendant

JACOBUS JOHAN ANTON KROEF

attempted to corruptly persuade persons, whose identities are known to the Antitrust Division of the United States Department of Justice, with intent to influence their testimony in an official proceeding, that is the federal grand jury sitting in the Eastern District of Pennsylvania investigating, among other things, possible federal criminal antitrust violations occurring in the carbon products industry, in that:

(a) In or around November 1999, the defendant attended a meeting at Morgan headquarters in Windsor, England, for the purpose of creating a materially false and fictitious "script" to be followed by those who had attended anticompetitive meetings on behalf of Morgan in the event they were questioned by attorneys of the Antitrust Division or the federal grand jury.

(b) In or around November 1999, the defendant and others at the Windsor meeting did in fact draft a materially false and fictitious "script" that intentionally omitted all references to pricing discussions that occurred at meetings held between and among Morgan and its competitors.

(c) In or around September 2000, the defendant requested that a typed version of a portion of the materially false and fictitious "script" be faxed to his home.

(d) In or around November 2000, the defendant met with an individual (CW-1)

who was an executive of a company that had engaged in price-fixing agreements with Morgan.

(e) During the meeting described in Paragraph (d) above, the defendant told CW-1, among other things, that the United States was conducting an antitrust investigation into the carbon brushes industry and that Morgan was having difficulty with the United States investigation in that it found itself to be the focus of the investigation.

(f) During the meeting described in Paragraph (d) above, the defendant told CW-1 that while Morgan told the authorities that its executives had been at meetings with its competitors, Morgan also told the authorities that the meetings concerned general business issues and that no pricing discussions were held during the course of the meetings. The defendant further told CW-1 that he would send CW-1 a summary of what Morgan's executives had told the authorities (the script).

(g) During the meeting described in Paragraph (d) above, the defendant told CW-1 that he was certain that executives at CW-1's company who participated in the price-fixing meetings would be interrogated by the United States because Morgan had disclosed their names to the United States during the course of the investigation. The defendant further told CW-1 that if the recollection of those who attended the meetings with Morgan was the same as or close to the "script," it would help convince the United States that Morgan's version of what transpired at the meetings was truthful and would ultimately benefit both Morgan and the company for which CW-1 worked.

(h) During the meeting described in Paragraph (d) above, the defendant told CW-1 to distribute the "script" to potential witnesses whom defendant identified as having attended and participated in the price-fixing meetings and whose names Morgan had already disclosed

to the authorities; to treat the "script" confidentially, and to destroy the "script" after having read and distributed it.

(i) Sometime in or around December 2000, the defendant mailed or otherwise delivered to CW-1 the materially false and fictitious "script."

(j) Sometime in or around December 2000, the defendant caused CW-1 to distribute copies of the materially false and fictitious "script" to those persons he had identified to CW-1 at the November 2000 meeting referred to in Paragraph (d) above; to tell them that the "script" was Morgan's version of events that had transpired at the price-fixing meetings; and to tell them to destroy the "script" after reading it and noting its contents.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 1512(b)(1).

Dated:

/S/
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/S/
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/S/
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