UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

CRIMINAL NO. 98-80186

v.

HONORABLE: DENISE PAGE HOOD

VIOLATION: 15 U.S.C. § 1

CHARLES G. LONG,
CLEARR INDUSTRIES, INC.,

Filed: July 24, 1998

Defendants.
_____/

FIRST SUPERSEDING
INFORMATION

THE UNITED STATES OF AMERICA, ACTING THROUGH ITS ATTORNEYS, CHARGES:

COUNT ONE

(15 U.S.C. § 1, Sherman Act)

I

DESCRIPTION OF THE OFFENSE

1. Beginning at least as early as January 1, 1989, and continuing at least through March 1995, the exact dates being unknown to the United States, defendants CHARLES G. LONG and CLEARR INDUSTRIES, INC. and co-conspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by allocating contracts for tooling to General Motors Corporation. The charged combination and conspiracy unreasonably restrained interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

2. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendants and co-conspirators, the substantial terms of which were:

(a) to allocate among the defendants and co-conspirators contracts for tooling on automotive projects for General Motors Corporation;

(b) to submit collusive, noncompetitive, and rigged bids for tooling contracts to General Motors Corporation; and

(c) to provide tooling to, and receive payment from, General Motors Corporation as a result of the allocation and collusive bidding.

II

MEANS AND METHODS OF THE CONSPIRACY

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

(a) arranged for the defendants and co-conspirators to be the only vendors allowed to bid on certain tooling contracts at General Motors Corporation;

(b) discussed the submission of prospective bids for tooling contracts for various automotive projects at General Motors Corporation;

(c) designated which defendant or co-conspirator would be the low, responsive bidder for tooling contracts at General Motors Corporation;

(d) designated which defendants or co-conspirators would submit intentionally high, complementary bids for tooling contracts at General Motors Corporation;

(e) exchanged bid prices among defendants and co-conspirators before submission to General Motors Corporation; and

(f) provided tooling to, and received payment from, General Motors Corporation pursuant to contracts entered into as a result of the allocation and collusive bidding; and

(g) provided payments to a General Motors employee in return for that employee’s assistance in the submission of collusive, noncompetitive, and rigged bids to General Motors for tooling contracts.

III

DEFENDANTS AND CO-CONSPIRATORS

4. CLEARR INDUSTRIES, INC. is a corporation organized and existing under the laws of the State of Michigan with its principal place of business in Pontiac, Michigan. During the period covered by this Information, CLEARR INDUSTRIES, INC. manufactured and installed tools and related devices in Michigan. During the period covered by this Information, CHARLES G. LONG was the president of CLEARR INDUSTRIES, INC.

5. Various individuals and corporations, not made defendants in this Information, participated as co-conspirators in the offense charged and performed acts and made statements in furtherance thereof.

6. 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, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

IV

TRADE AND COMMERCE

7. During the period covered by this Information, CLEARR INDUSTRIES, INC. was a fabricator and installer of tooling and related devices in Michigan.

8. During the period covered by this Information, CLEARR INDUSTRIES, INC. purchased raw materials, equipment, and other supplies that were used in the fabrication and installation of the tooling and related devices that are the subject of this Information. These raw materials, equipment, and other supplies were shipped in substantial amounts from manufacturers or other suppliers outside of the State of Michigan to CLEARR INDUSTRIES, INC. in Michigan in a continuous and uninterrupted flow of interstate commerce.

9. The activities of the defendants, CLEARR INDUSTRIES, INC. and CHARLES G. LONG, that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

V

JURISDICTION AND VENUE

10. The combination and conspiracy charged in this Information was carried out, in part, within the Eastern District of Michigan and within the five years preceding the filing of this Information.

ALL IN VIOLATION OF TITLE 15 U.S.C. SECTION 1.

_____"/s/"_____	_____"/s/"_____
JOEL I. KLEIN	SAUL A. GREEN
Assistant Attorney General	United States Attorney

_____"/s/"_____
GARY R. SPRATLING
Deputy Assistant Attorney General

_____"/s/"_____
KEITH E. CORBETT
Assistant U.S. Attorney

_____"/s/"_____
JOHN T. ORR
Director of Criminal Enforcement

_____"/s/"_____
ERIC M. STRAUS
Assistant U.S. Attorney

_____"/s/"_____
WILLIAM J. OBERDICK
Acting Chief, Cleveland Office

_____"/s/"_____
BRUCE C. JUDGE
Assistant U.S. Attorney

_____"/s/"_____
MICHAEL F. WOOD
Attorney, Antitrust Division

Dated: