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

UNITED STATES OF AMERICA	)	Filed: [9/6/95]
	)	
v.	)	Crim. No.: 3-95-CR-266-T
	)	
MINE EQUIPMENT & MILL SUPPLY, INC.	)	15 U.S.C. § 1
	)	
Defendant.	)	Judge Maloney

INFORMATION

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

1. MINE EQUIPMENT & MILL SUPPLY, INC. is made a defendant.

I.

DESCRIPTION OF THE OFFENSE

2. Beginning sometime in the Fall 1988 and continuing at least into mid-1992, the exact dates being unknown to the United States, the defendant and co-conspirators entered into and engaged in a combination and conspiracy to fix prices on the sale of certain commercial explosives in western Kentucky, southern Indiana and southern Illinois ("West Kentucky Region"). 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 fix prices, allocate customers, and rig bids on certain commercial explosives offered for sale in the West Kentucky Region.

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

(a) discussed and agreed upon increases in certain prices on certain commercial explosives;

(b) discussed and agreed upon allocating certain customers among themselves;

(c) discussed and agreed upon bids or price quotes to certain customers for certain commercial explosives; and

(d) carried out their agreement.

II.

DEFENDANT AND CO-CONSPIRATORS

5. The defendant is a Delaware corporation with its principal place of business in Dawson Springs, Kentucky. At all times relevant to this Information, the defendant engaged in the distribution and sale of commercial explosives in the West Kentucky Region.

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 and construction industries.

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

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/"_____
JOEL I. KLEIN
Acting Assistant Attorney General

_____"/s/"_____
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_____"/s/"_____
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