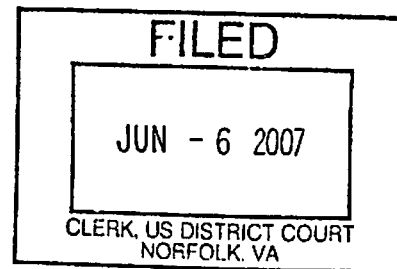


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division



UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 2:07cr <u>117</u>
)	
DONALD L. MURRAY,)	15 U.S.C. § 1
(Counts 1-2))	Conspiracy to Restrain Trade
)	(Count 1)
Defendant.)	
)	18 U.S.C. § 1349
)	Conspiracy to Commit Mail Fraud
)	(Count 2)

CRIMINAL INFORMATION

COUNT ONE

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

DESCRIPTION OF THE OFFENSE

1. Beginning at least as early as December 2002 and continuing until as late as January 2004, the exact dates being unknown to the United States, the defendant participated in an ongoing combination and conspiracy to suppress and eliminate competition by allocating customers and rigging bids for contracts of foam-filled marine fenders and buoys in the United States and elsewhere. The combination and conspiracy engaged in by the defendant and co-conspirators was in unreasonable restraint of interstate and foreign 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 defendant and co-conspirators, the substantial terms

of which were to allocate customers and rig bids for contracts of foam-filled marine fenders and buoys in the United States and elsewhere. The victims of this conspiracy included the U.S. Coast Guard and elements of the Department of Defense, including the U.S. Navy, as well as private companies.

MEANS AND METHODS OF THE CONSPIRACY

3. For the purpose of carrying out the charged combination and conspiracy to restrain trade, the defendant and co-conspirators did those things that they combined and conspired to do, including, among other things:

- (a) attended meetings and engaged in discussions by telephone, facsimile and electronic mail, regarding the sale of foam-filled marine fenders and buoys sold in the United States and elsewhere;
- (b) agreed during those meetings and discussions to allocate jobs and to create and exchange order logs in order to implement and monitor this agreement;
- (c) agreed during those meetings and discussions not to compete for one another's customers either by not submitting prices or bids to certain customers, or by submitting intentionally high prices or bids to certain customers;
- (d) submitted bids in accordance with the agreements reached;
- (e) sold foam-filled marine fenders and buoys to the U.S. Coast Guard, the U.S. Navy, and others pursuant to those agreements at collusive and noncompetitive prices;
- (f) accepted payment for foam-filled marine fender and buoys sold at the

collusive and noncompetitive prices;

- (g) created and exchanged order logs, in accordance with the agreements reached, reflecting the sales made by both companies in order to track the success of the market allocation and bid-rigging scheme; and
- (h) authorized or consented to the participation of subordinate employees and/or distributors in the conspiracy.

DEFENDANT AND CO-CONSPIRATORS

4. During the entire period covered by this Information, the defendant was a vice-president and Chief Financial Officer of a firm located in Clearbrook, Virginia that is engaged in the manufacture and sale of marine products, including foam-filled marine fenders and buoys, and plastic marine pilings. In December 2002, that firm was purchased by a corporation whose ultimate parent entity is located in Trelleborg, Sweden.

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

TRADE AND COMMERCE

6. Foam-filled marine fenders are used as a cushion between ships and either fixed structures such as docks or piers, or floating structures such as other ships. Foam-filled buoys are used in a variety of applications including as channel markers and navigational aids. Foam-filled marine fenders and buoys are constructed of an elastomer shell filled with closed-cell polyethylene foam. During the period covered by Count One of this Information, the defendant's firm manufactured and sold foam-filled marine fenders and buoys in the United States and elsewhere.

7. During the period covered by Count One of this Information, foam-filled marine fenders and buoys sold by one or more of the conspirator firms, and equipment and supplies necessary to the production and distribution of foam-filled marine fenders and buoys, as well as payments for foam-filled marine fenders and buoys, traveled in interstate and foreign commerce.

8. During the period covered by Count One of this Information, the business activities of defendant and his co-conspirators in connection with the production and sale of foam-filled marine fenders and buoys that are the subject of this Information were within the flow of, and substantially affected, interstate and foreign trade and commerce.

JURISDICTION AND VENUE

9. The combination and conspiracy charged in Count One of this Information was carried out, in part, within the Eastern District of Virginia within the five years preceding the filing of this Information.

(All in violation of Title 15, United States Code, Section 1).

COUNT TWO

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

1. Each and every allegation contained in Paragraphs 4 of Count One of this Information is here realleged as if fully set forth in this Count

DESCRIPTION OF THE OFFENSE

2. Beginning at least as early as September 2003 and continuing until as late as the summer of 2006, the exact dates being unknown to the United States, the defendant and his co-conspirator did knowingly and willfully combine, conspire, confederate, and agree with each other to violate Title 18, United States Code, Section 1341, to wit, to devise a scheme or artifice to defraud by obtaining money by false and fraudulent pretenses and, for the purpose of executing or attempting to execute such scheme or artifice, to use or cause to be used, the United States Postal Service or any private or commercial interstate carrier, in violation of Title 18, United States Code, Section 1349.

3. It was an object of the conspiracy that the defendant and his co-conspirator divert money controlled by or owed to the predecessor corporation of the defendant's employer (hereinafter referred to collectively as "defendant's previous employer"), to an account controlled by the defendant and his co-conspirator with the intent of dividing the proceeds of that account between themselves at a future date.

4. For the purposes of executing such scheme or artifice to defraud, the defendant and his co-conspirator did knowingly cause the bank where the account was held to send certain documents by U.S. mail to the defendant's home address in order to effectively conceal the existence of the account.

MANNER AND MEANS OF THE CONSPIRACY

5. It was a part of the conspiracy that, beginning at least as early as September 2003, the defendant and his co-conspirator identified a certain bank account belonging to defendant's previous employer and took steps to conceal that bank account and its contents from its rightful owner, including: changing the name of the account; eventually changing the address of the account to defendant's home address; and otherwise ensuring that the conspirators were able to control the bank account without their previous employer's knowledge.

6. It was also part of the conspiracy that the defendant and his co-conspirator wrongfully diverted money belonging to defendant's previous employer into the bank account they had concealed from defendant's previous employer.

7. It was also part of the conspiracy that defendant and his co-conspirator agreed not to withdraw any money until they took steps to ensure that their scheme would not be detected.

OVERT ACTS

8. In furtherance of the conspiracy, and to effect the illegal objects thereof, the defendant and co-conspirators committed overt acts between September 2003 and the summer of 2006, including the following:

- (a) Sometime prior to September 2003, the defendant and his co-conspirator identified an account at BB&T Bank of West Virginia titled "PROMAR LLC" that contained approximately \$50,000. In or around September 2003, the defendant and his co-conspirator caused BB&T Bank of West Virginia to rename this bank account "OFFSHORE SUPPLY LLC" in order to conceal the account from its rightful owner.

- (b) On or around October 28, 2003, the defendant caused a check in the amount of \$60,815.07 not belonging to the conspirators to be deposited in the account named OFFSHORE SUPPLY LLC.
- (c) In or around December 2003, the defendant and his co-conspirator caused an agent of defendant's previous and current employers to send the conspirators a check for \$32,100.00, representing money that the agent owed to the defendant's previous employer. The conspirators directed the agent to make the check payable to OFFSHORE SUPPLY LLC, even though that was not the entity to whom the agent owed the money, and directed the agent to send the check directly to one of the conspirators. Once the conspirators received the check, they deposited it in the OFFSHORE SUPPLY LLC account.
- (d) On a number of other occasions from December 2003 until at least in or around September 2004, the conspirators wrongfully diverted other monies belonging to their previous employer into the bank account for OFFSHORE SUPPLY LLC.
- (e) In or around March 2005, the conspirators changed the address on the OFFSHORE SUPPLY LLC account from defendant's employer's address in Virginia to the defendant's home address in Delaware in order to ensure that the defendant and his co-conspirator could continue to maintain control over the account. Thereafter, BB&T Bank of West Virginia mailed documents related to the account, including bank statements, via U.S. mail to this address.

JURISDICTION AND VENUE

9. The combination and conspiracy charged in Count Two of this Information was carried out in the United States within the five years preceding the filing of this Information. The defendant has expressly waived any objections to venue as it relates to the filing and disposition of this Information. The defendant agrees that this Information may be prosecuted in the Eastern District of Virginia.

(All in violation of Title 18, United States Code, Section 1349).

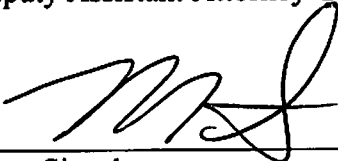
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