IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division

FILED
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CLERK, U.S. DISTRICT COURT
NORFOLK, VA

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 2:07cr 154
	)	
WILLIAM ALAN POTTS,	)	15 U.S.C. § 1
	)	Conspiracy to Restrain Trade
Defendant.	)	
	)	

CRIMINAL INFORMATION

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

DESCRIPTION OF THE OFFENSE

1. Beginning at least as early as December 2000 and continuing until as late as May 2003, the exact dates being unknown to the United States, the defendant and co-conspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by allocating customers and rigging bids for contracts of plastic marine pilings 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 plastic marine pilings in the United

States and elsewhere. The victims of this conspiracy included 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 forming and carrying out the charged combination and conspiracy, 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 plastic marine pilings 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 plastic marine pilings 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 plastic marine pilings sold at the collusive and noncompetitive prices; and

(g) 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 vice-president of a firm located in Clearbrook, Virginia that is engaged in the manufacture and sale of marine products, including 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 this Information, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

TRADE AND COMMERCE

6. Plastic marine pilings are reinforced synthetic pilings, resembling telephone poles, used in commercial dock and pier construction. Plastic marine pilings are substitutes for traditional wood pilings in port and pier construction projects.

7. During the relevant period, plastic marine pilings sold by one or more of the conspirator firms, and equipment and supplies necessary to the production and distribution of plastic marine pilings, as well as payments for plastic marine pilings, traveled in interstate and foreign commerce.

8. During the relevant period, the business activities of defendant and his co-conspirators in connection with the production and sale of plastic marine pilings 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 this Criminal 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).

Dated:

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