IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)
	) Criminal No.: 1:CR-97-049
v.	)
	) Filed: [2/26/97]
SAM WINER MOTORS, INC.,	)
	) Judge: Caldwell
Defendant.	)

INFORMATION

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

I

DESCRIPTION OF THE OFFENSE

1. Sam Winer Motors, Inc. is hereby made a defendant on the charge stated below.

2. Beginning at least as early as 1992 and continuing until at least October 1994, the exact dates being unknown to the United States, the defendant and co-conspirators entered into and participated in a combination and conspiracy to suppress and eliminate competition by rigging bids for the purchase of military surplus sold in interstate and foreign commerce by the Defense Reutilization and Marketing Service ("DRMS") at auctions located in Mechanicsburg, Pennsylvania and Chambersburg, Pennsylvania. The combination and conspiracy engaged in by the defendant and co-conspirators unreasonably restrained interstate and foreign trade and commerce in violation of Title 15, United States Code, Section 1, commonly known as The Sherman Antitrust Act.

3. The charged combination and conspiracy consisted of an agreement, understanding and concert of action among the

defendant and co-conspirators, the substantial term of which was to refrain from bidding against each other for the purchase of military surplus sold by DRMS at auctions in Mechanicsburg, Pennsylvania and Chambersburg, Pennsylvania for the purpose of purchasing such military surplus at artificially low prices.

4. For the purpose of forming and carrying out the charged conspiracy, the defendant and co-conspirators did those things which they combined and conspired to do.

II

DEFENDANT AND CO-CONSPIRATORS

5. Sam Winer Motors, Inc. is a corporation organized and existing under the laws of Ohio and has its principal place of business in Akron, Ohio. During the period covered by this information, Sam Winer Motors, Inc. was in the business of buying military surplus primarily for resale.

6. Various persons and firms, not made defendants herein, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

7. Whenever in this information reference is made to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or though 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.

III

INTERSTATE AND FOREIGN TRADE AND COMMERCE

8. During the period covered by this information, the United States, through DRMS, sold substantial quantities of military surplus at public auctions located in Mechanicsburg, Pennsylvania and Chambersburg, Pennsylvania to the defendant, co-conspirators, and other purchasers.

9. During the period covered by this information, a substantial quantity of military surplus sold at DRMS auctions in Mechanicsburg, Pennsylvania and Chambersburg, Pennsylvania was transported across state lines to auction sites.

10. During the period covered by this information, potential purchasers, including the defendant and co-conspirators, frequently traveled across state lines to attend and bid at DRMS auctions in Mechanicsburg, Pennsylvania and Chambersburg, Pennsylvania at which DRMS sold military surplus.

11. During the period covered by this information, a substantial quantity of military surplus sold by DRMS at auctions in Mechanicsburg, Pennsylvania and Chambersburg, Pennsylvania was transported across state lines by or on behalf of the purchasers thereof, including the defendant and co-conspirators.

12. During the period covered by this information, a substantial quantity of military surplus purchased by the defendant and co-conspirators at DRMS auctions in Mechanicsburg, Pennsylvania and Chambersburg, Pennsylvania was resold and shipped to customers across state lines or outside the United States.

13. During the period covered by this information, the activities of the defendant and co-conspirators with respect to the purchase of military surplus sold by DRMS at auctions in Mechanicsburg, Pennsylvania and Chambersburg, Pennsylvania were within the flow of, and substantially affected, interstate and foreign commerce.

IV

JURISDICTION AND VENUE

14. The combination and conspiracy charged in this information was formed and carried out, in part, within the Middle District of Pennsylvania, within the five years preceding the filing of this information.

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

_____"/s/"_____
JOEL I. KLEIN
Acting Assistant Attorney General

_____"/s/"_____
RICHARD S. ROSENBERG

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

_____"/s/"_____
BRADFORD L. GEYER

_____"/s/"_____
ROBERT E. CONNOLLY
Chief, Middle Atlantic Office

_____"/s/"_____
WENDY A. BOSTWICK

Attorneys, Antitrust Division
U.S. Department of Justice
Middle Atlantic Office
The Curtis Center, Suite 650W
7th and Walnut Streets
Philadelphia, PA 19106
Tel.: (215) 597-7401

_____"/s/"_____
DAVID M. BARASCH
United States Attorney
Middle District of Pennsylvania