

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 96-80009

v.

HONORABLE: DENISE PAGE HOOD

D- THEODORE SAWCHUK,

VIOLATION: 15 U.S.C. § 1

OFFENSE: Sherman Act
Conspiracy

Defendant.

_____ /

SIXTH SUPERSEDING INFORMATION

THE UNITED STATES CHARGES:

I

DESCRIPTION OF THE OFFENSE

1. Beginning at least as early as 1989 and continuing at least into April 1995, the exact dates being unknown to the United States, defendant THEODORE SAWCHUK 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 defendant and co-conspirators, the substantial terms of which were to:

- (a) allocate among the defendant and co-conspirators contracts for tooling on automotive projects to General Motors Corporation;
- (b) submit collusive, noncompetitive and rigged bids for tooling contracts to General Motors Corporation; and
- (c) provide tooling to, and receive payment therefor 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 defendant and co-conspirators did the following things, among others:

- (a) arranged that defendant and co-conspirators would 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 defendant or co-conspirator would submit intentionally high, complementary bids for tooling contracts at General Motors Corporation;
- (e) exchanged bid prices among defendant and co-conspirators before submission to General Motors Corporation;
- (f) provided tooling to, and received payment from, General Motors Corporation for tooling contracts issued 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, non-competitive, and rigged bids to General Motors for tooling contracts.

III

DEFENDANTS AND CO-CONSPIRATORS

4. During the period covered by this Information, THEODORE SAWCHUK was the president of SA-GO Industries, Inc. SA-GO Industries, Inc. was a corporation organized and existing under the laws of the State of Michigan with its principal place of business in Fraser, Michigan.

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, SA-GO Industries, Inc. was a fabricator and installer of tooling and related devices based in Michigan.

8. During the period covered by this Information, SA-GO Industries, Inc. shipped tools and related devices that are the subject of this Information from

Michigan to locations outside the state of Michigan and installed the tools at such locations.

9. The activities of the defendant, THEODORE SAWCHUK, and SA-GO Industries, Inc. 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, excluding the period during which the running of the statute of limitations period was suspended pursuant to agreement with the defendant (see Attachment 1).

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

JOEL I. KLEIN
Assistant Attorney General
Antitrust Division

SAUL A. GREEN
United States Attorney
Eastern District of Michigan

JAMES M. GRIFFIN
Deputy Assistant Attorney General

KEITH E. CORBETT
Assistant U.S. Attorney

SCOTT D. HAMMOND
Director of Criminal Enforcement

ERIC M. STRAUS
Assistant U.S. Attorney

SCOTT M. WATSON
Chief, Cleveland Field Office

MICHAEL F. WOOD
Assistant Chief, Cleveland Field Office

KEVIN C. CULUM
Attorney, Cleveland Field Office

Dated:



AGREEMENT TO TOLL THE RUNNING OF THE STATUTE OF LIMITATIONS

The United States of America, by and through Saul A. Green, United States Attorney and Eric M. Straus, Assistant United States Attorney, all for the Eastern District of Michigan, and Theodore Sawchuk, by and through his attorney, Dennis Clark, do hereby agree as follows:

1. The United States Attorney's Office for the Eastern District of Michigan shall not commence any criminal action prior to June 23, 2000, without first notifying Theodore Sawchuk of any action pursuant to Title 18 of the United States Code against him.

2. The running of any statute of limitations pertaining to any criminal violations of the United States Code shall be tolled from March 24, 2000, and shall remain tolled through and including June 23, 2000, with respect to any criminal claims which might be brought by the United States Attorney's Office for the Eastern District of Michigan pursuant to the United States Code. Accordingly, as to any action by the United States Attorney's Office of the Eastern District of Michigan pursuant to the United States Code, the parties to this agreement shall not include the period of time from March 24, 2000, through and including June 23, 2000, for the purpose of determining the statute of limitations, the doctrines of waiver, laches, or estoppel, the applicability of Rule 48, Fed. R. Crim. P., or any statutory or constitutional right to a speedy trial or to the absence of pre-indictment delay.

3. Theodore Sawchuk specifically reserves and does not waive any defenses, including those specified above, that may be available to him prior to March 24, 2000, or that may become available upon the expiration of this tolling agreement, excluding any consideration of the time periods covered by this agreement, or any extension or supplement to this agreement.

4. The parties agree that if the United States Attorney's Office for the Eastern District of Michigan has not commenced any action against Theodore Sawchuk on or before June 23, 2000, this tolling agreement, notwithstanding any other provisions of this agreement, shall continue in effect after June 23, 2000, until Theodore Sawchuk notifies the United States Attorney's Office for the Eastern District of Michigan of his intent to terminate this agreement. Such written notification of intent to terminate this tolling agreement shall

become effective 14 days after the receipt of such notification by the United States Attorney. After June 23, 2000, the United States Attorney's Office for the Eastern District of Michigan shall not be required to provide advance notice of the filing of criminal charges.

SAUL A. GREEN
United States Attorney

ERIC M. STRAUS
Assistant United States Attorney

Dated:_____

THEODORE SAWCHUK

Dated:_____

DENNIS CLARK
Attorney for Theodore Sawchuk

Dated:_____