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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA, **Plaintiff,** **v.** **SEA STAR LINE LLC,** **Defendant.**	**INFORMATION** **Criminal No.** 11-511 (DRD) **Violation: 15 U.S.C. § 1** **ONE COUNT**

THE UNITED STATES, ACTING THROUGH ITS ATTORNEYS, CHARGES:

Defendant and Co-Conspirators

1. SEA STAR LINE LLC ("Defendant") is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business in Jacksonville, Florida and offices in San Juan, Puerto Rico. During the period covered by this Information, Defendant was engaged in the business of providing water transportation for freight between the continental United States and Puerto Rico.

2. Various corporations and individuals, not made defendants in this Information, participated as co-conspirators in the offense charged in this Information and performed acts and made statements in furtherance of it.

3. 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 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.

Background of the Offense

During the period covered by this Information:

4. Defendant and its co-conspirators provided water transportation for freight between the continental United States and Puerto Rico ("Puerto Rico freight services").

5. Defendant's Puerto Rico freight services transported for customers a variety of cargo shipments, such as heavy equipment, perishable food items, medicines, and consumer goods, on scheduled ocean voyages between the continental United States and Puerto Rico. For its Puerto Rico freight services, Defendant charged its customers a price that consisted of a base rate and, at times, various surcharges and fees, such as a bunker fuel surcharge.

Conspiracy to Restrain Trade

6. From at least as early as May 2002 and continuing until at least April 2008, the exact dates being unknown to the United States, Defendant and its co-conspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by agreeing to fix rates and surcharges for Puerto Rico freight services. The combination and conspiracy engaged in by Defendant and its co-conspirators was in unreasonable restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

7. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among Defendant and its co-conspirators, the substantial terms of which were to suppress and eliminate competition by fixing rates and surcharges for Puerto Rico freight services.

Manner and Means of the Conspiracy

8. For purposes of forming and carrying out the charged combination and conspiracy, Defendant and its co-conspirators did those things that they combined and conspired to do, including, among other things:

a. participating in meetings, conversations, and communications in the United States to discuss customers, rates, surcharges, and bids for the sale of Puerto Rico freight services;

b. agreeing during those meetings, conversations and communications to allocate customers of Puerto Rico freight services between and among the conspirators;

c. agreeing during those meetings, conversations, and communications to fix, stabilize, and maintain rates and surcharges charged to customers of Puerto Rico freight services;

d. agreeing during those meetings, conversations, and communications to rig bids submitted to government and commercial customers of Puerto Rico freight services;

e. engaging in meetings, conversations and communications for the purpose of monitoring and enforcing adherence to the agreed-upon rates and surcharges;

f. selling Puerto Rico freight services at collusive and noncompetitive rates and surcharges pursuant to the agreements reached;

g. accepting payment for Puerto Rico freight services at collusive and noncompetitive rates and surcharges; and

h. concealing the conspiracy and conspiratorial contacts through various means, including private e-mail accounts.

Trade and Commerce

9. During the period covered by this Information, proposals, contracts, invoices for payment, payments, and other documents essential to the provision of Puerto Rico freight services were transmitted in interstate commerce between and among offices of Defendant and its customers located in various States and Puerto Rico.

10. During the period covered by this Information, Defendant and its co-conspirators transported substantial quantities of water freight, in a continuous and uninterrupted flow of interstate commerce, between the continental United States and Puerto Rico.

11. During the period covered by this Information, the business activities of Defendant and its co-conspirators in connection with the Puerto Rico freight services that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

Jurisdiction and Venue

12. The combination and conspiracy charged in this Information was carried out, in part, in the District of Puerto Rico within the five years preceding the filing of this Information.

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

Dated: October __, 2011

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