FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

2008 OCT -1 PM 12:22
JACKSONVILLE, FLORIDA

UNITED STATES OF AMERICA

v.

Case No.: 3:08-cr-349-J-32TEM
Ct. 1: 15 U.S.C. § 1

GABRIEL SERRA

INFORMATION

The United States, through its attorneys, charges:

COUNT ONE

A. Description of the Offense

1. Defendant GABRIEL SERRA and his co-conspirators did enter into and engage in a combination and conspiracy to suppress and eliminate competition in the market for coastal water freight transportation services between the United States and Puerto Rico ("Puerto Rico freight services"), which began at least as early as May 2002 and continued until as late as April 2008, the exact dates being unknown to the United States ("the relevant period"), by agreeing to allocate customers; agreeing to rig bids submitted to government and commercial buyers; and agreeing to fix the prices of rates, surcharges, and other fees charged to customers. The combination and conspiracy was in unreasonable restraint of 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 his co-conspirators, the substantial terms of which were to allocate customers; rig bids

submitted to government and commercial buyers; and fix the prices of rates, surcharges and other fees charged to customers for Puerto Rico freight services.

B. Means and Methods of the Conspiracy

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

(a) participated in meetings, conversations, and communications in the United States and elsewhere to discuss customers, rates, and bids for the sale of Puerto Rico freight services;

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

(c) agreed during those meetings, conversations, and communications to fix, stabilize, and maintain rates, surcharges, and other fees charged to customers of Puerto Rico freight services;

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

(e) sold Puerto Rico freight services at collusive and noncompetitive prices pursuant to the agreements reached;

(f) accepted payment for Puerto Rico freight services at collusive and noncompetitive prices;

(g) authorized or consented to the participation of subordinate employees in the conspiracy; and

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

C. Defendant and Co-Conspirators

4. During the relevant period, defendant GABRIEL SERRA was the Senior Vice President and General Manager for the Puerto Rico Division of CORPORATION B, a provider of Puerto Rico freight services. In that position, SERRA managed co-conspirators and was responsible for determining CORPORATION B's pricing for Puerto Rico freight services.

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.

6. 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.

D. Trade and Commerce

7. During the relevant period, the defendant and his co-conspirators sold Puerto Rico freight services and conducted those services in interstate commerce between and among the United States and Puerto Rico.

8. During the relevant period, the defendant and his co-conspirators transmitted and received bids, proposals, contracts, invoices for payment, payments, and other documents essential to the provision of Puerto Rico freight services in interstate commerce.

9. During the relevant period, the business activities of the defendant and his co-conspirators in connection with sale of Puerto Rico freight services that are the subject of this Information were within the flow of, and substantially affected, interstate commerce. During the relevant period, the defendant and his co-conspirators sold billions of dollars worth of Puerto Rico freight services in the United States and elsewhere.

E. Jurisdiction and Venue

10. The combination and conspiracy charged in this Information was carried out, in part, within the Middle District of Florida, in Duval County, within the five years preceding the filing of this Information.

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

Dated: 9/24/2008

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