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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,)
16)
17 v.) No. CR 02 - 0078WHA
18) INFORMATION
19) VIOLATION:
20 PATRICK STANTON,) Title 15, United States Code,
21) Section 1 (Price Fixing, Market-
22) Share Allocation)
23 Defendant.) San Francisco Venue
24)
25)
26)

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

I.

DESCRIPTION OF THE OFFENSE

1. PATRICK STANTON (“STANTON”) is made a defendant on the charge stated below.

2. Beginning in or about September 1995 and continuing until in or about December 1996, defendant STANTON and coconspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by

1 fixing the prices and allocating the market shares of monochloroacetic acid and
2 sodium monochloroacetate (collectively referred to as “MCAA”) to be sold in the
3 United States and elsewhere. The combination and conspiracy engaged in by the
4 defendant and coconspirators was in unreasonable restraint of interstate and
5 foreign trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C.
6 § 1).

7 3. The charged combination and conspiracy consisted of a continuing
8 agreement, understanding, and concert of action among the defendant and
9 coconspirators, the substantial terms of which were:

10 (a) to agree to fix and maintain prices and to coordinate price
11 increases for MCAA to be sold in the United States and
12 elsewhere; and

13 (b) to agree to allocate among major MCAA producers the market
14 shares of MCAA to be sold by each in the United States and
15 elsewhere.

16 4. For the purpose of forming and carrying out the charged combination
17 and conspiracy, the defendant and coconspirators did those things that they
18 combined and conspired to do, including, among other things:

19 (a) participating in meetings and conversations to discuss the prices
20 and market shares of MCAA to be sold in the United States and
21 elsewhere;

22 (b) agreeing, during those meetings and conversations, to charge
23 prices at certain levels and otherwise to increase and maintain
24 prices of MCAA to be sold in the United States and elsewhere;

25 (c) agreeing, during those meetings and conversations, to allocate
26 among major producers of MCAA the market shares of MCAA to

1 be sold in the United States and elsewhere;

2 (d) issuing price announcements and price quotations in accordance
3 with the agreements reached; and

4 (e) exchanging information on sales of MCAA in the United States
5 and elsewhere for the purpose of monitoring and enforcing
6 adherence to the agreed-upon market shares.

7 II.

8 DEFENDANT AND COCONSPIRATORS

9 5. During the period covered by this Information, defendant STANTON
10 was a Department Head of the Chlorine, Bromine, and Derivatives Division of Elf
11 Atochem S.A. (“Elf”), a corporation organized and existing under the laws of France.
12 During the period covered by this Information, the defendant and Elf were engaged
13 in the business of producing MCAA and selling it to customers in the United States
14 and elsewhere.

15 6. Various corporations and individuals, not made defendants in this
16 Information, participated as coconspirators in the offense charged in this
17 Information and performed acts and made statements in furtherance of it.

18 7. Whenever in this Information reference is made to any act, deed, or
19 transaction of any corporation, the allegation means that the corporation engaged
20 in the act, deed, or transaction by or through its officers, directors, employees,
21 agents, or other representatives while they were actively engaged in the
22 management, direction, control, or transaction of its business or affairs.

23 III.

24 TRADE AND COMMERCE

25 8. MCAA is a reactive chemical compound that is used to form a number
26 of intermediate chemicals. Markets for MCAA and its derivatives include drilling

1 fluids, plastic stabilizers, herbicides, and pharmaceuticals.

2 9. During the period covered by this Information, the defendant and
3 coconspirators sold and distributed MCAA in a continuous and uninterrupted flow
4 of interstate and foreign trade and commerce to customers located in states or
5 countries other than the states or countries in which the defendant and
6 coconspirators produced MCAA.

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