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Attorneys for the United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

|                          |   |                               |
|--------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA | ) | No. CR 05 00277 MHP           |
|                          | ) |                               |
| v.                       | ) | INFORMATION                   |
|                          | ) |                               |
| SYNDIAL S.p.A.,          | ) | VIOLATION:                    |
|                          | ) | Title 15, United States Code, |
| Defendant.               | ) | Section 1 (Price Fixing)      |
|                          | ) |                               |
|                          | ) | San Francisco Venue           |

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

I.

DESCRIPTION OF THE OFFENSE

1. SYNDIAL S.p.A. is made a defendant on the charge stated below.

2. Beginning in or about September 1999 and continuing until in or about April 2002, the defendant and co-conspirators participated in a combination and conspiracy to suppress and eliminate competition by fixing the price of polychloroprene rubber sold in the United States and elsewhere. The combination and conspiracy engaged in by the defendant and co-conspirators was in unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

3. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and co-conspirators, the substantial

1 term of which was to suppress and eliminate competition by fixing the price of polychloroprene  
2 rubber in the United States and elsewhere.

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

- 6 (a) participating in conversations and meetings to discuss prices of polychloroprene  
7 rubber to be sold in the United States and elsewhere;
- 8 (b) agreeing, during those conversations and meetings, to fix prices of  
9 polychloroprene rubber to be sold in the United States and elsewhere;
- 10 (c) participating in conversations and attending meetings concerning implementation  
11 of and adherence to the agreements reached;
- 12 (d) issuing price announcements and price quotations in accordance with the  
13 agreements reached; and
- 14 (e) exchanging information on the sale of polychloroprene rubber in the United  
15 States and elsewhere.

## 16 II.

### 17 DEFENDANT AND CO-CONSPIRATORS

18 5. The defendant is an entity organized and existing under the laws of Italy, with its  
19 principal place of business in Milan, Italy. During the period covered by this Information, the  
20 defendant was a corporation named Enichem S.p.A. On or about May 1, 2003, Enichem S.p.A.  
21 changed its legal name to Syndial S.p.A. During the relevant period, the defendant engaged in  
22 the business of producing and selling polychloroprene rubber in the United States and elsewhere.

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

26 7. Whenever in this Information reference is made to any act, deed, or transaction of

1 any corporation, the allegation means that the corporation engaged in the act, deed, or  
2 transaction by or through its officers, directors, employees, agents, or other representatives while  
3 they were actively engaged in the management, direction, control, or transaction of its business  
4 or affairs.

5 III.

6 TRADE AND COMMERCE

7 8. Polychloroprene rubber, also known as “chloroprene rubber,” “polychloroprene,”  
8 “PCP,” or “butaclor,” is a specific type of synthetic rubber which has end-use applications in the  
9 automotive, adhesives, and construction industries.

10 9. During the period covered by this Information, the defendant and co-conspirators  
11 manufactured, sold, and distributed polychloroprene rubber in a continuous and uninterrupted  
12 flow of interstate and foreign trade and commerce to customers located in states or countries  
13 other than the states or countries in which the defendant and co-conspirators produced  
14 polychloroprene rubber.

15 10. The business activities of the defendant and co-conspirators that are the subject of  
16 this Information were within the flow of, and substantially affected, interstate trade and  
17 commerce.

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3 IV.

4 JURISDICTION AND VENUE

5 11. The combination and conspiracy charged in this Information was carried out, in  
6 part, in the Northern District of California within the five years preceding the filing of this  
7 Information.

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

9 Dated: 4/26/05

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12 /s/  
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Assistant Attorney General

/s/  
Phillip H. Warren  
Chief, San Francisco Office

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16 /s/  
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/s/  
Niall E. Lynch  
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Kevin V. Ryan  
United States Attorney  
Northern District of California