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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

v.

KOSEI TAMURA,

Defendant.
_____/

Case:2:14-cr-20759
Judge: Murphy, Stephen J.
MJ: Majzoub, Mona K.
Filed: 12-01-2014 At 01:37 PM
INFO USA V. TAMURA (DA)

Violation: 15 U.S.C. § 1

INFORMATION

CONSPIRACY TO RESTRAIN TRADE
(15 U.S.C. § 1)

THE UNITED STATES, ACTING THROUGH ITS ATTORNEYS, CHARGES:

Defendant and Co-Conspirators

1. During the period covered by this Information, Kosei Tamura ("Defendant") was employed by T.RAD Co. Ltd. ("T.RAD"), a corporation organized and existing under the laws of Japan, with its principal place of business in Tokyo, Japan. During the period covered by this Information, Defendant was employed by T.RAD as a section manager of Honda sales, and later became a general manager. During the period covered by this Information, T.RAD was engaged in the business of manufacturing and selling radiators to Honda Motor Company Ltd. and certain of its subsidiaries (collectively "Honda"), among other automobile manufacturers, for installation in vehicles manufactured and sold in the United States and elsewhere.

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

4. During the period covered by this Information, Defendant and his co-conspirators supplied radiators to Honda for installation in vehicles manufactured and/or sold in the United States and elsewhere.

5. During the period covered by this Information, T.RAD and its co-conspirators manufactured radiators (a) in the United States and elsewhere for installation in vehicles manufactured and sold in the United States, (b) in Japan and elsewhere for import into the United States and installation in vehicles manufactured and sold in the United States, and (c) in Japan and elsewhere for installation in vehicles manufactured in Japan for import into and sale in the United States.

6. Radiators are devices located in the engine compartment of a vehicle that cool the engine. When purchasing radiators, automobile manufacturers issue Requests for Quotation ("RFQs") to automotive parts suppliers in a model-by-model basis for model-specific parts. Automotive parts suppliers submit quotations, or bids, to the automobile manufacturers in response to RFQs, and the automobile manufacturers award the business to the selected automotive parts supplier for the lifespan of the engine or model, which is usually four to six years. Typically, the bidding process for a particular engine or model begins approximately three years prior to the start of production. Japanese automobile manufacturers procure parts for U.S.-manufactured vehicles in both Japan and the United States.

Conspiracy to Restrain Trade

7. From at least as early as November 2002 and continuing until at least February 2010, the exact dates being unknown to the United States, Defendant and his co-conspirators participated in a combination and conspiracy to suppress and eliminate competition in the automotive parts industry by agreeing, to rig bids for, and to fix, stabilize, and maintain the prices of, radiators sold to Honda in the United States and elsewhere. The combination and conspiracy engaged in by Defendant and his co-conspirators was in unreasonable restraint of interstate and foreign trade and commerce in violation of the Sherman Antitrust Act, 15 U.S.C. § 1. This combination and conspiracy involved interstate trade and import trade and commerce.

8. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among Defendant and his co-conspirators, the substantial terms of which were to rig bids for, and to fix, stabilize, and maintain the prices of, radiators sold to Honda in the United States and elsewhere.

Manner and Means of the Conspiracy

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

a. participating in meetings, conversations, and communications to discuss the bids and price quotations to be submitted to Honda in the United States and elsewhere;

b. agreeing, during those meetings, conversations, and communications, on bids and price quotations to be submitted to Honda in the United States and elsewhere;

c. agreeing, during those meetings, conversations, and communications, to allocate the supply of radiators sold to Honda in the United States and elsewhere on a model-by-model basis;

d. submitting bids and price quotations to Honda in the United States and elsewhere in accordance with the agreements reached;

e. selling radiators to Honda in the United States and elsewhere at collusive and noncompetitive prices;

f. accepting payment for radiators sold to Honda in the United States and elsewhere at collusive and noncompetitive prices;

g. engaging in meetings, conversations, and communications in the United States and elsewhere for the purpose of monitoring and enforcing adherence to the agreed-upon bid-rigging and price-fixing scheme; and

h. employing measures to keep their conduct secret, including, but not limited to, using code names.

Trade and Commerce

10. During the period covered by this Information, T.RAD and its co-conspirators sold to Honda, located in various states in the United States, substantial quantities of radiators shipped from outside the United States and from other states in a continuous and uninterrupted flow of interstate and import trade and commerce. In addition, substantial quantities of equipment and supplies necessary to the production and distribution of radiators sold by T.RAD and its co-conspirators, as well as payments for radiators sold by T.RAD and its co-conspirators, traveled in interstate and import trade and commerce. The business activities of Defendant and his co-conspirators in connection with the production and sale of radiators that were the subject

of the charged conspiracy were within the flow of, and substantially affected, interstate and import trade and commerce.

Jurisdiction and Venue

11. The combination and conspiracy charged in this Information was carried out, at least in part, in the Eastern District of Michigan and continued within the five years preceding the filing of this Information.

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

Dated: _____

s/Brent C. Snyder
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Antitrust Division
United States Department of Justice

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