UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA,	)	No. 5:05-CR-35-1
	)	
	)	INFORMATION
v.	)	
	)	VIOLATION:
	)	Title 15, United States Code,
CARLTON GARY WALKER,	)	Section 1 (Price Fixing)
	)	
Defendant.	)	Raleigh Venue
	)	
		Filed: February 10, 2005

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

I.

DESCRIPTION OF THE OFFENSE

1. CARLTON GARY WALKER ("WALKER") is made a defendant on the charge stated below.

2. Beginning in October 2000 and continuing until June 15, 2001, defendant WALKER and co-conspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by fixing the prices of ten and eighteen count open-end spun yarn to be sold in the United States. The combination and conspiracy engaged in by the defendant and 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).

3. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and co-conspirators, the substantial term of which was to agree to fix and maintain prices for ten and eighteen count open-end spun yarn to be sold in the United States.

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

a. participating in a meeting and in conversations to discuss the prices of ten and eighteen count open-end spun yarn to be sold in the United States;

b. agreeing, during that meeting and those conversations, to charge prices at certain levels and otherwise to increase and maintain prices of ten and eighteen count open-end spun yarn to be sold in the United States;

c. issuing price announcements and price quotations in accordance with the agreements reached; and

d. exchanging information on sales of ten and eighteen count open-end spun yarn in the United States for the purpose of monitoring and enforcing adherence to the agreed-upon prices.

II.

DEFENDANT AND CO-CONSPIRATORS

5. During the period covered by this Information, defendant WALKER was Vice President of Sales of Harriet & Henderson Yarns, Inc., a corporation organized and existing under the laws of North Carolina. Defendant WALKER'S employment by Harriet & Henderson Yarns, Inc. ended on or about June 15, 2001. During the period covered by this Information, the defendant and Harriet & Henderson Yarns, Inc. were engaged in the business of producing ten and eighteen count open-end spun yarn and selling it to customers in the United States.

6. 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.

7. 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.

III.

TRADE AND COMMERCE

8. Open-end spun yarn is yarn produced by the open-end spinning system. Ten count open-end spun yarn is of a thickness used primarily in the manufacture of hosiery such as athletic socks. Eighteen count open-end spun yarn is of a thickness used primarily in the manufacture of printed T-shirts.

9. During the period covered by this Information, the defendant and co-conspirators sold and distributed ten and eighteen count open-end spun yarn in a continuous and uninterrupted flow of interstate trade and commerce to customers located in states other than where the defendant and co-conspirators produced ten and eighteen count open-end spun yarn.

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

IV.

JURISDICTION AND VENUE

11. The combination and conspiracy charged in this Information was formed and carried out, in part, within the Eastern District of North Carolina within the five years preceding the filing of this Information.

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

Dated:

/S/
R. Hewitt Pate
Assistant Attorney General

/S/
Nezida S. Davis
Chief, Atlanta Field Office

/S/
Scott D. Hammond
Deputy Assistant Attorney General

/S/
Justin M. Nicholson
Holly B. Stevens
James L. Weis

United States Department of Justice
Antitrust Division

Attorneys
U.S. Department of Justice
Antitrust Division
Richard B. Russell Building
75 Spring Street, S.W., Suite 1176
Atlanta, GA 30303
Tel: (404) 331-7100
Fax: (404) 331-7110

/S/
Frank D. Whitney
United States Attorney
Eastern District of North Carolina