

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

UNITED STATES OF AMERICA	)	Criminal No.: 3-97-CR-251-T
	)	
v.	)	Filed: [7-30-97]
	)	
DONALD J. WESTMAAS,	)	
	)	Violation: 15 U.S.C. § 1
Defendant.	)	
		Judge: Maloney

**INFORMATION**

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

**I.**

**DESCRIPTION OF THE OFFENSE**

1. Donald J. Westmaas is made a defendant on the charge stated below.
2. Beginning sometime in 1991 and continuing at least into 1993, the exact dates being unknown to the United States, the defendant and co-conspirators entered into a combination and conspiracy to suppress and eliminate competition by rigging bids for the sale of certain commercial explosives to The Doe Run Company and to ASARCO Incorporated. The combination and conspiracy unreasonably restrained 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 and understanding among the defendant and co-conspirators, the substantial term of which was for the defendant's company, DYN0 Nobel Inc., to agree to submit an intentionally high, noncompetitive bid for the sale of certain commercial explosives to ASARCO Incorporated in return for ICI Explosives USA Inc.'s submission,

through a wholly-owned subsidiary, of an intentionally high, noncompetitive bid for the sale of certain commercial explosives to The Doe Run Company.

4. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and co-conspirators did the following things, among others:

(a) participated in telephone conversations to determine price levels to be offered to The Doe Run Company and ASARCO Incorporated for certain commercial explosives;

(b) discussed and agreed that ICI Explosives USA Inc., through a wholly-owned subsidiary, would submit an intentionally high, noncompetitive bid to The Doe Run Company for its requirements of certain commercial explosives;

(c) discussed and agreed that, in exchange for ICI Explosives USA Inc.'s intentionally high, noncompetitive bid to The Doe Run Company, DYNOL Nobel Inc. would submit an intentionally high, noncompetitive bid to ASARCO Incorporated; and

(d) carried out some or all of the agreement.

## II.

### **DEFENDANT AND CO-CONSPIRATORS**

5. From March 1989 until Fall 1993, Defendant was Vice President of Marketing for DYNOL Nobel Inc., a manufacturer and distributor of commercial explosives headquartered in Salt Lake City, Utah.

6. Various persons and firms, not made defendants in this Information, participated as co-conspirators in the offense charged and performed acts and made statements in furtherance of it.

### **III.**

#### **TRADE AND COMMERCE**

7. Commercial explosives are chemical products, such as high explosives and blasting agents, and initiating devices used in the coal and metal mining, quarry and construction industries.

8. During the period covered by this Information, DYN0 Nobel Inc. and ICI Explosives USA Inc. manufactured, sold and shipped commercial explosives in a continuous and uninterrupted flow of interstate commerce to purchasers located in states other than the states in which the commercial explosives were produced.

9. 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**

10. The combination and conspiracy charged in this Information was carried out, in part, within the Northern District of Texas within the five years preceding the filing of this Information.

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

Dated:

\_\_\_\_\_/s/\_\_\_\_\_  
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