

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

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U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

UNITED STATES OF AMERICA

v.

YAMASHITA RUBBER CO., LTD.

Defendant.

Criminal No.

Violation: 15 U.S.C. § 1

Filed:

3:13 CR 439
JUDGE HELMICK

INFORMATION

The United States of America charges that:

MAG. JUDGE JAMES R. KNEPP II

I.

DEFENDANT AND CO-CONSPIRATORS

1. YAMASHITA RUBBER CO., LTD., is hereby made a Defendant on the charge contained in this Information.
2. YAMASHITA RUBBER CO., LTD. ("Defendant") is a corporation organized and existing under the laws of Japan, with its principal place of business in Saitama, Japan, and a subsidiary in Washington Court House, Ohio. During the period covered by this Information, Defendant was engaged in the business of manufacturing and selling automotive anti-vibration rubber products to Honda Motor Co., Ltd., American Honda Motor Co., and Suzuki Motor Corporation (collectively "automobile manufacturers"), for installation in vehicles manufactured and sold in the United States and elsewhere.
3. Other 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.

ORIGINAL

4. 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, agents, employees, or other representatives while they were actively engaged in the management, direction, control or transaction of its business or affairs.

II.

BACKGROUND

5. During the period covered by this Information, Defendant and its co-conspirators supplied automotive anti-vibration rubber products to automobile manufacturers for installation in vehicles manufactured and sold in the United States and elsewhere. During the period covered by this Information, Defendant and its co-conspirators manufactured automotive anti-vibration rubber products: (a) in the United States for installation in vehicles manufactured and sold in the United States; (b) in the United States for installation in vehicles manufactured in Canada for export to and sale in the United States; and (c) in Japan for installation in vehicles manufactured in Japan for export to and sale in the United States.

6. Automotive anti-vibration rubber products are comprised primarily of rubber and metal, and are installed in suspension systems and engine mounts, as well as other parts of an automobile, to reduce engine and road vibration. Automotive anti-vibration rubber products are typically custom-designed to fit specific automobiles, and are developed over a year in advance of an automobile model entering the market. Before ordering automotive anti-vibration rubber products for a new automobile model, automobile manufacturers typically request pricing from suppliers, through requests for quotation ("RFQs"). In response to the RFQs, the suppliers submit price quotes, or bids, to the automobile manufacturer. When a supplier receives part

orders for a particular automobile model, it typically supplies the parts for the duration of that model, which is usually four to six years.

III.

DESCRIPTION OF THE OFFENSE

8. Beginning at least as early as April 2003 and continuing until as late as May 2012, the exact dates being unknown to the United States, the Defendant and co-conspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by rigging bids and fixing prices for automotive anti-vibration rubber products 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).

9. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the Defendant and its co-conspirators, the substantial terms of which were to rig bids for, and to fix, raise, and maintain the prices of, automotive anti-vibration rubber products sold in the United States and elsewhere.

IV.

MEANS AND METHODS OF THE CONSPIRACY

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

- (a) participating in meetings and engaging in discussions in Japan concerning RFQs and prices for automotive anti-vibration rubber products sold to automobile manufacturers in the United States and elsewhere;

- (b) agreeing during those meetings and discussions to allocate among the companies the supply of certain automotive anti-vibration rubber products sold to automobile manufacturers in the United States and elsewhere;
- (c) agreeing on bids and price quotations for the supply of certain automotive anti-vibration rubber products sold to automobile manufacturers in the United States and elsewhere;
- (d) discussing and exchanging prices for certain automotive anti-vibration rubber products sold to automobile manufacturers in the United States and elsewhere;
- (e) submitting bids and price quotations to automobile manufacturers in the United States and elsewhere in accordance with the agreements reached;
- (f) selling automotive anti-vibration rubber products to automobile manufacturers in the United States and elsewhere at collusive and noncompetitive prices; and
- (g) accepting payment for automotive anti-vibration rubber products sold to automobile manufacturers in the United States and elsewhere at collusive and noncompetitive prices.

V.

TRADE AND COMMERCE

11. During the period covered by this Information, Defendant and its co-conspirators sold to automobile manufacturers in the United States and elsewhere substantial quantities of automotive anti-vibration rubber products in a continuous and uninterrupted flow of interstate and foreign trade and commerce. In addition, substantial quantities of equipment and supplies

necessary to produce and distribute such automotive anti-vibration rubber products, as well as substantial payments for such parts, traveled in interstate and foreign trade and commerce.

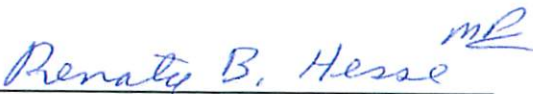
12. During the period covered by this Information, the business activities of the Defendant and its co-conspirators in connection with the production and sale of automotive anti-vibration rubber products that are the subject of this Information were within the flow of, and substantially affected, interstate and foreign trade and commerce.

VI.


JURISDICTION AND VENUE


13. The combination and conspiracy charged in this Information was carried out in the Northern District of Ohio and elsewhere within the five years preceding the date of this Information.

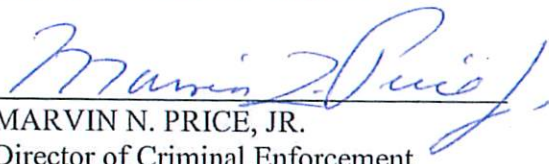
ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.


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