

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

UNITED STATES OF AMERICA)	Criminal No. 3:02CR229-V
)	
v.)	Filed: 10/31/2002
)	
ARTEVA SPECIALTIES, S.a.r.l., d/b/a/ KoSa,)	Violation:
)	15 U.S.C. § 1
)	
Defendant.)	

INFORMATION

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

CONSPIRACY TO RESTRAIN TRADE

(15 U.S.C. § 1)

I.

DESCRIPTION OF THE OFFENSE

1. Arteva Specialties, S.a.r.l., d/b/a KoSa, an entity organized and existing under the laws of Luxembourg, is made a defendant on the charge stated below.
2. Beginning at least as early as September 1999 and continuing until at least January 2001, the exact dates being unknown to the United States, within Mecklenburg County within the Western District of North Carolina and elsewhere, the defendant and co-conspirators entered into and participated in a combination and conspiracy to suppress and restrain competition by fixing the price of, and

allocating customers for, polyester staple sold by the defendant and its co-conspirators in North America. The combination and conspiracy engaged in by the defendant and its co-conspirators was in unreasonable restraint of interstate and foreign trade and commerce in violation of Section One 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 terms of which were to fix, increase, and maintain prices and to coordinate price increases for the sale of polyester staple in North America, and to allocate among the corporate conspirators customers for polyester staple in North America.

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

- (a) participating in meetings and conversations to discuss the prices of polyester staple sold in North America;
- (b) agreeing, during those meetings and conversations, to charge prices at specified levels and otherwise to fix, increase, and maintain prices of polyester staple sold in North America;
- (c) agreeing, during those meetings and conversations, to allocate among the corporate conspirators customers for polyester staple in North America;

- (d) agreeing, during those meetings and conversations, to refrain from bidding or to submit intentionally high, complementary and non-competitive bids, for particular contracts to supply polyester staple to various customers throughout North America;
- (e) exchanging sales and customer information for the purpose of monitoring and enforcing adherence to the agreements reached;
- (f) issuing price announcements and price quotations in accordance with the agreements reached;
- (g) selling polyester staple at the agreed-upon prices and in accordance with the agreed-upon customer allocations; and
- (h) selling polyester staple to various customers throughout North America at rigged and non-competitive prices.

II.

BACKGROUND

5. Polyester staple is a man-made, petroleum-based fiber that is manufactured in varying thicknesses and cut into short lengths. It is sold to textile manufacturers who incorporate it into fabrics for sheets, shirts, and other wearing apparel. Other forms of polyester staple have applications in items such as sleeping bags, pillows, and comforters.

III.

DEFENDANT AND CO-CONSPIRATORS

6. During the period covered by this Information, the defendant was an

entity organized and existing under the laws of Luxembourg, with its principal place of business in Charlotte, North Carolina, and was engaged in the manufacture and sale of polyester staple to customers in North America.

7. Various corporations and individuals not made defendants herein participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

8. Whenever in this Information reference is made to any act, deed, or transaction of any corporation or other business entity, the allegation means that the corporation or other business entity engaged in the act, deed, or transaction by or through its officers, directors, managers, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

IV.

TRADE AND COMMERCE

9. During the period covered by this Information, the defendant and its co-conspirators sold a substantial quantity of polyester staple in a continuous and uninterrupted flow of interstate and foreign trade and commerce to customers located in states or countries other than the states and countries in which the polyester staple was produced.

10. During the period covered by this Information, the business activities of the defendant and its co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate and foreign trade and

