

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
) Criminal No. 03-628
 v.)
) Filed: 9/24/2003
 F. SCOTT BROWN,)
) Violation: 18 U.S.C. § 1512(b)(2)(B); and
) 18 U.S.C. § 2(a)
 Defendant.)

INFORMATION

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

I

OFFENSE CHARGED

1. F. Scott Brown is made a defendant on the charges contained in this Information.
2. From prior to April 1999 until after August 2001, defendant was a member of the Board of Directors of Morgan Advanced Materials and Technology, Inc. (hereinafter "MAMAT"), a Delaware corporation with its principal place of business in St. Marys, Pennsylvania. From prior to April 1999 until December 2000, defendant also was Global President of MAMAT.
3. In or about April 1999 and in or about August 2001, a federal grand jury sitting in the Eastern District of Pennsylvania and investigating a conspiracy to fix the price of various carbon products sold in the United States and elsewhere issued subpoenas duces tecum to Morganite Industries, Inc., the parent of MAMAT. The scope of the subpoenas included all divisions and affiliates of Morganite Industries, Inc. that were located in the United States, including MAMAT.

4. In or about May 1999 and again in or about July 2001, defendant aided and abetted an officer whose identity is known to the Antitrust Division (hereinafter "CC-1") of The Morgan Crucible Company plc, the parent of Morganite Industries, Inc., in knowingly corruptly persuading an employee of MAMAT whose identity is known to the Antitrust Division (hereinafter "CC-2"), with intent to cause or induce CC-2 to destroy, mutilate, or conceal certain documents located within the United States in MAMAT's custody and control, and with intent to impair the availability of those documents for use in an official proceeding, that is a federal grand jury sitting in the Eastern District of Pennsylvania, conducting a price-fixing investigation of the carbon products industry, contrary to Title 18 United States Code, Section 1512(b)(2)(B) in that:

(a) In or about May 1999, the defendant met with CC-1 who instructed the defendant to make sure CC-2 had no documents in his files reflecting contacts with competitors.

(b) In or about May 1999, the defendant told CC-2 of the instruction the defendant had received from CC-1 and referred to in Paragraph 4(a) above.

(c) In or about July 2001, the defendant met with CC-2 and discussed, among other things, the grand jury's investigation into price fixing in the carbon products industry.

(d) In or about August 2001, due to his conversations with the defendant, CC-2 destroyed documents relevant to the grand jury's investigation.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION
1512(b)(2)(B) AND TITLE 18, UNITED STATES CODE, SECTION 2(a).

Dated: 9/24/2003

_____/S/
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_____/S/
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_____/S/
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_____/S/
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_____/S/
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Eastern District of Pennsylvania