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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO VENUE

11 UNITED STATES OF AMERICA) CR 04-0386 PJH
12)
13 v.) INFORMATION
14 MARTIN PETERSEN,)
15 Defendant.) VIOLATION:
Title 15, United States Code,
Section 1 (Price Fixing)

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

17 I.

18 DESCRIPTION OF THE OFFENSE

19 1. MARTIN PETERSEN (“the defendant”) is made a defendant on the charge stated
20 below.

21 2. Beginning in or about December 2000 and continuing until in or about December
22 2001, the defendant and co-conspirators participated in a combination and conspiracy to
23 suppress and eliminate competition by maintaining and increasing the prices of certain rubber
24 chemicals sold in the United States and elsewhere. The combination and conspiracy engaged in
25 by the defendant and co-conspirators was in unreasonable restraint of interstate and foreign trade
26 and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

27 3. The charged combination and conspiracy consisted of a continuing agreement,
28 understanding, and concert of action among the defendant and co-conspirators, the substantial

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1 term of which was to suppress and eliminate competition by maintaining and increasing the
2 prices of certain rubber chemicals in the United States and elsewhere.

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

6 (a) participating in conversations and meetings to discuss prices of certain rubber
7 chemicals to be sold in the United States and elsewhere;

8 (b) agreeing, during those conversations and meetings, to raise and maintain prices of
9 certain rubber chemicals to be sold in the United States and elsewhere;

10 (c) participating in conversations and attending meetings concerning implementation
11 of and adherence to the agreements reached;

12 (d) issuing price announcements and price quotations in accordance with the
13 agreements reached; and

14 (e) exchanging information on the sale of certain rubber chemicals in the United
15 States and elsewhere.

16 II.

17 DEFENDANT AND CO-CONSPIRATORS

18 5. The defendant was formerly employed by Bayer AG (“Bayer”), a German entity
19 with its principal place of business in Leverkusen, Germany. During the period covered by this
20 Information, the defendant held the title of Head of Marketing and Sales for Bayer’s Rubber
21 Group and was responsible for approving pricing of rubber chemicals sold in the United States
22 and elsewhere. During the period covered by this Information, the defendant and Bayer engaged
23 in the business of producing and selling rubber chemicals in the United States and elsewhere.

24 6. Various entities and individuals, not made defendants in this Information,
25 participated as co-conspirators in the offense charged herein and performed acts and made
26 statements in furtherance of it.

27 7. Whenever in this Information reference is made to any act, deed, or transaction of
28 any entity, the allegation means that the entity engaged in the act, deed, or transaction by or

1 through its officers, directors, employees, agents, or other representatives while they were
2 actively engaged in the management, direction, control, or transaction of its business or affairs.

3 III.

4 TRADE AND COMMERCE

5 8. Rubber chemicals are a group of additives used to improve the elasticity, strength,
6 and durability of rubber products. Rubber chemicals are used primarily in the manufacture of
7 tires, outdoor furniture, hoses, belts, and footwear.

8 9. During the period covered by this Information, the defendant's employer and co-
9 conspirators manufactured, sold, and distributed rubber chemicals in a continuous and
10 uninterrupted flow of interstate and foreign trade and commerce to customers located in states or
11 countries other than the states or countries in which the defendant's employer and co-
12 conspirators produced rubber chemicals.

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

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IV.

JURISDICTION AND VENUE

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

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

Dated: 11/22/04

/s/ _____
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Assistant Attorney General

/s/ _____
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Chief, San Francisco Office

/s/ _____
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