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7
8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA)	No. CR 99 - 20249
)	
12)	INFORMATION
13 v.)	
)	VIOLATION:
14 JOHN H. BROWNING,)	Title 15, United States Code,
)	Section 1 (Price Fixing)
15)	
16 Defendant)	San Jose Venue
)	Filed: December 15, 1999

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

18 I.

19 DESCRIPTION OF THE OFFENSE

- 20 1. JOHN H. BROWNING is made a defendant on the charge stated below.
- 21 2. Beginning in or about June 1996 and continuing until in or about
22 September 1997, the defendant and co-conspirators participated in a combination
23 and conspiracy in unreasonable restraint of interstate trade and commerce in
24 violation of Section 1 of the Sherman Act (15 U.S.C. § 1).
- 25 3. The charged combination and conspiracy consisted of a continuing
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1 agreement, understanding, and concert of action among the conspirators, the
2 substantial terms of which were to rig bids and allocate contracts for the sale of
3 materials and supplies used in construction of cable-stayed bridges in the United
4 States.

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

8 (a) participating in conversations to discuss upcoming cable-stayed bridge
9 projects in the United States;

10 (b) agreeing, during one such conversation, to allocate several upcoming
11 cable-stayed bridge projects in the United States among the defendant
12 and co-conspirators; and

13 (c) submitting artificially high, non-competitive bids in accordance with
14 the agreements reached.

15 II.

16 DEFENDANTS AND CO-CONSPIRATORS

17 5. BROWNING is a citizen of the United States, residing in
18 Massachusetts. During the period covered by this Information, Browning was the
19 President and CEO of Dywidag-Systems International USA, Inc. ("DSI").

20 6. DSI is a corporation organized and existing under the laws of the State
21 of New York, with its principle place of business in Bolingbrook, Illinois. During the
22 period covered by this Information, DSI was engaged in the business of producing
23 and selling construction materials and services in the post-tensioning and cable-
24 stayed bridge industries, including materials and supplies used in the construction of
25 cable-stayed bridges.

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1 12. The combination and conspiracy charged in this Information was
2 carried out in the United States, in part, within the five years preceding the filing of
3 this Information.
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5 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.
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7 _____"/s/" _____
8 Joel I. Klein
Assistant Attorney General
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_____"/s/" _____
Christopher S Crook
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11 _____"/s/" _____
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