1 2 3 4 5	Antitrust Division U.S. Department of Justice 450 Golden Gate Avenue Box 36046, Room 10-0101 San Francisco, CA 94102 Telephone: (415) 436-6660		
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8	UNITED STATES DISTRICT COURT		
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
10			
11	UNITED STATES OF AMERICA	No. CR 99 - 20249	
12	v.	INFORMATION	
13		VIOLATION: Title 15, United States Code,	
14	JOHN H. BROWNING,	Section 1 (Price Fixing)	
15	Defendant	San Jose Venue	
16		Filed: December 15, 1999	
17	The United States of America, acting through its attorneys, charges:		
18	I.	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 con	nspiracy consisted of a continuing	
26			

agreement, understanding, and concert of action among the conspirators, the substantial terms of which were to rig bids and allocate contracts for the sale of materials and supplies used in construction of cable-stayed bridges in the United States.

- 4. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and co-conspirators did those things that they combined and conspired to do, including, among other things:
 - (a) participating in conversations to discuss upcoming cable-stayed bridge projects in the United States;
 - (b) agreeing, during one such conversation, to allocate several upcoming cable-stayed bridge projects in the United States among the defendant and co-conspirators; and
 - (c) submitting artificially high, non-competitive bids in accordance with the agreements reached.

II.

DEFENDANTS AND CO-CONSPIRATORS

- 5. BROWNING is a citizen of the United States, residing in Massachusetts. During the period covered by this Information, Browning was the President and CEO of Dywidag-Systems International USA, Inc. ("DSI").
- 6. DSI is a corporation organized and existing under the laws of the State of New York, with its principle place of business in Bolingbrook, Illinois. During the period covered by this Information, DSI was engaged in the business of producing and selling construction materials and services in the post-tensioning and cable-stayed bridge industries, including materials and supplies used in the construction of cable-stayed bridges.

- 7. Various corporations and individuals, not made defendants in this Information, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance of it.
- 8. 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, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

III.

TRADE AND COMMERCE

- 9. Construction of cable-stayed bridges is a form of specialty construction. The deck of a cable-stayed bridge is suspended from cables attached to load-bearing towers.
- 10. During the period covered by this Information, the defendant and co-conspirators manufactured, sold and distributed materials and supplies used in the construction of cable-stayed bridges in a continuous and uninterrupted flow of interstate commerce from the states of manufacture to customers located in other states. In addition, some of the cable-stayed bridge projects allocated by defendant and co-conspirators pursuant to the charged scheme were paid for in part by the United States government.
- 11. The business activities of the defendant and co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

IV.

JURISDICTION AND VENUE

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 o		
3	this Information.		
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5	ALL IN VIOLATION OF TITLE 15, UN	NITED STATES CODE, SECTION 1.	
6			
7	"/s/"	"/o/"	
8	Joel I. Klein	Christopher S Crook	
9	Assistant Attorney General	Chief, San Francisco Office	
10			
11	"/a/"	"/o/"	
12	Gary R. Spratling		
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14		Attorneys	
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16	Director of Criminal Enforcement	U.S. Department of Justice Antitrust Division 450 Golden Gate Avenue	
17		Box 36046, Room 10-0101 San Francisco, CA 94102	
18	"/s/"	(415) 436-6660	
19	Robert S. Mueller III United States Attorney		
20	Northern District of California		
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