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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA)	No. CR 01 - 0242
)	
v.)	INFORMATION
)	
AKZO NOBEL CHEMICALS BV)	VIOLATION:
)	Title 15, United States Code,
and)	Section 1 (Price Fixing,
)	Market Share Allocation)
ERIK ANDERS BROSTRÖM,)	
)	Filed: June 27, 2001
Defendants.)	
)	San Francisco Venue

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

I.

DESCRIPTION OF THE OFFENSE

1. AKZO NOBEL CHEMICALS BV ("AKZO") and ERIK ANDERS
BROSTRÖM are made defendants on the charge stated below.

2. From in or about September 1995 until in or about August 1999,
defendants AKZO and BROSTRÖM and coconspirators entered into and engaged in

INFORMATION - PAGE 1

1 a combination and conspiracy to suppress and eliminate competition by fixing the
2 prices and allocating the market shares of monochloroacetic acid and sodium
3 monochloroacetate (collectively referred to as "MCAA") to be sold in the United
4 States and elsewhere. The combination and conspiracy engaged in by the
5 defendants and coconspirators was in unreasonable restraint of interstate and
6 foreign trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C.
7 § 1).

8 3. The charged combination and conspiracy consisted of a continuing
9 agreement, understanding, and concert of action among the defendants and
10 coconspirators, the substantial terms of which were:

- 11 (a) to agree to fix and maintain prices and to coordinate price
12 increases for MCAA to be sold in the United States and
13 elsewhere; and
- 14 (b) to agree to allocate among major MCAA producers the market
15 shares of MCAA to be sold by each in the United States and
16 elsewhere.

17 4. For the purpose of forming and carrying out the charged combination
18 and conspiracy, defendants and coconspirators did those things that they combined
19 and conspired to do, including, among other things:

- 20 (a) participating in meetings and conversations to discuss the prices
21 and market shares of MCAA to be sold in the United States and
22 elsewhere;
- 23 (b) agreeing, during those meetings and conversations, to charge
24 prices at certain levels and otherwise to increase and maintain
25 prices of MCAA to be sold in the United States and elsewhere;
- 26 (c) agreeing, during those meetings and conversations, to allocate

1 among major producers of MCAA the market shares of MCAA to
2 be sold in the United States and elsewhere;

3 (d) issuing price announcements and price quotations in accordance
4 with the agreements reached; and

5 (e) exchanging information on sales of MCAA in the United States
6 and elsewhere for the purpose of monitoring and enforcing
7 adherence to the agreed-upon prices and market shares.

8 II.

9 DEFENDANTS AND COCONSPIRATORS

10 5. AKZO is a corporation organized and existing under the laws of The
11 Netherlands. BROSTRÖM is the Sub-Business Unit Manager of AKZO's Industrial
12 Chemicals Division. During the period covered by this Information, AKZO and
13 BROSTRÖM were engaged in the business of producing and selling MCAA to
14 customers in the United States and elsewhere.

15 6. Various corporations and individuals, not made defendants in this
16 Information, participated as coconspirators in the offense charged in this
17 Information and performed acts and made statements in furtherance of it.

18 7. Whenever in this Information reference is made to any act, deed, or
19 transaction of any corporation, the reference means that the corporation engaged in
20 the act, deed, or transaction by or through its officers, directors, employees, agents,
21 or other representatives while they were actively engaged in the management,
22 direction, control, or transaction of its business or affairs.

23 III.

24 TRADE AND COMMERCE

25 8. MCAA is a reactive chemical compound that is used to form a number
26 of intermediate chemicals. Markets for MCAA and derivatives include drilling

fluids, plastic stabilizers, herbicides, and pharmaceuticals.

9. During the period covered by this Information, the defendants and coconspirators sold and distributed MCAA in a continuous and uninterrupted flow of interstate and foreign trade and commerce to customers located in states or countries other than the states or countries in which the defendants and coconspirators produced MCAA.

10. The business activities of the defendants and coconspirators that are the subject of this Information were within the flow of, and substantially affected, interstate and foreign trade and commerce.

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1 IV.

2 JURISDICTION

3 11. The combination and conspiracy charged in this Information was
4 carried out within the five years preceding the filing of this Information.

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