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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

v.

ALPHA CORPORATION,

Defendant.

Case: 2:16-cr-20627

Judge: Goldsmith, Mark A.

MJ: Majzoub, Mona K.

Filed: 09-15-2016 At 09:28 AM

INFO USA V ALPHA CORPORATION (LG)

Violation: 15 U.S.C. § 1

INFORMATION

**COUNT ONE
CONSPIRACY TO RESTRAIN TRADE
(15 U.S.C. § 1)**

THE UNITED STATES, ACTING THROUGH ITS ATTORNEYS, CHARGES:

Defendant and Co-Conspirators

1. Alpha Corporation (“defendant”) is a corporation organized and existing under the laws of Japan with its principal place of business in Yokohama, Japan. During the period covered by this Information, defendant was engaged in the business of manufacturing and selling automotive access mechanisms (“Access Mechanisms”), to Nissan Motor Co., Ltd., Nissan North America, Inc. and Nissan Mexicana, S.A. de C.V. (collectively “Nissan”) for installation in vehicles manufactured and sold in the United States and elsewhere.

2. A corporation and various individuals, not made defendants in this Information, participated as co-conspirators (collectively “co-conspirators”) in the offense charged in this Information and performed acts and made statements in furtherance of it.

3. 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.

Background of the Offense

4. During the period covered by this Information, defendant and its co-conspirators supplied Access Mechanisms to Nissan for installation in vehicles that were manufactured in the United States and elsewhere, and sold in the United States. Access Mechanisms are defined as: (1) inside and outside door handles, tailgate or trunk handles; (2) keys, lock sets (also called key sets), and door locks (including free-wheel door locks); and (3) electrical steering column locks and mechanical steering column locks.

5. During the period covered by this Information, defendant and its co-conspirators manufactured certain Access Mechanisms: (a) in the United States and elsewhere for interstate sales within and for export to the United States for installation in vehicles manufactured and sold within the United States; and (b) in Japan and elsewhere for installation in vehicles exported to and sold in the United States.

6. When purchasing Access Mechanisms, Nissan typically issued Requests for Quotation (“RFQs”) to automotive parts suppliers for model-specific parts. Automotive parts suppliers submitted quotations or bids to Nissan in response to RFQs, and Nissan typically awarded the business to the selected automotive parts supplier for the lifespan of the model, which is usually four to six years. Typically, the bidding process for a particular model begins approximately three years prior to the start of production. Nissan procured parts for U.S.-manufactured vehicles in the United States and elsewhere. Nissan also sold vehicles in the United States that were manufactured elsewhere.

Conspiracy to Restrain Trade

7. From at least as early as 2002 and continuing until at least September 2011, the exact dates being unknown to the United States, in the Eastern District of Michigan and elsewhere, defendant and its co-conspirators participated in a combination and conspiracy to suppress and eliminate competition in the automotive parts industry by agreeing to allocate the territories in which they were sold, to rig bids for, and to fix, stabilize, and maintain the prices of, Access Mechanisms sold to Nissan in the United States and elsewhere. The combination and conspiracy engaged in by defendant and its co-conspirators was in unreasonable restraint of interstate and foreign trade and commerce in violation of the Sherman Antitrust Act, 15 U.S.C. § 1.

8. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among defendant and its co-conspirators, the substantial terms of which were to allocate the territories in which they were sold, rig bids for, and to fix, stabilize, and maintain the prices of, Access Mechanisms sold to Nissan in the United States and elsewhere.

Manner and Means of the Conspiracy

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

a. engaging in meetings, conversations, and communications, in the Eastern District of Michigan and elsewhere, and agreeing to allocate territories in which Access Mechanisms would be sold to Nissan in the United States and elsewhere;

b. engaging in meetings, conversations and communications, in the Eastern District of Michigan and elsewhere, and agreeing to fix prices and to rig bids for Access Mechanisms sold to Nissan in the United States and elsewhere;

c. at times submitting bids and price quotations in accordance with the agreement reached, and at other times refraining from submitting bids or price quotations, in accordance with the charged conspiracy, from their facilities in the Eastern District of Michigan and elsewhere, for Access Mechanisms sold to Nissan in the United States and elsewhere;

d. selling Access Mechanisms to Nissan in the United States and elsewhere at collusive and noncompetitive prices; and

e. accepting payment for Access Mechanisms sold to Nissan in the United States and elsewhere at collusive and noncompetitive prices.

Trade and Commerce

10. During the period covered by this Information, defendant and its co-conspirators sold to Nissan, which was located in various states in the United States and elsewhere, substantial quantities of Access Mechanisms, manufactured in another state and outside the United States, and shipped from another state and from outside the United States in a continuous and uninterrupted flow of interstate and foreign trade and commerce. In addition, substantial quantities of equipment and supplies necessary to the production and distribution of Access Mechanisms sold by the defendant and its coconspirators, as well as payments for Access Mechanisms sold by defendant and its co-conspirators, traveled in interstate and foreign trade and commerce. The business activities of defendant and its co-conspirators in connection with

the production and sale of Access Mechanisms that were the subject of the charged conspiracy were within the flow of, and substantially affected, interstate and foreign trade and commerce.

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

Dated: 9-6-2016

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