

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : **Judge: Skretny**
v. : **Criminal No.: 96-CR-68-S**
AMERICAN ALLOYS, INC., : **15 U.S.C. §1**
Defendant. : **Filed: [4/18/96]**

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INFORMATION

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

1. American Alloys, Inc. (American) is made a defendant herein.

I

DESCRIPTION OF THE OFFENSE

2. Beginning at least as early as late 1989 and continuing at least until mid 1991, the exact dates being unknown to the United States, the defendant and others engaged in a combination and conspiracy to fix prices of commodity ferrosilicon products sold in the United States. The combination and conspiracy engaged in by the defendant and co-conspirators in unreasonable restraint of interstate trade and commerce violated Section 1 of the Sherman Act (15 U.S.C. §1).

3. The charged combination and conspiracy consisted of a continuing agreement, understanding and concert of action among the defendant and co-conspirators, the substantial term of which was to agree to fix prices of commodity ferrosilicon products sold in the United States.

4. For the purpose of forming and effectuating the charged conspiracy, the defendant and co-conspirators did those things which they combined and conspired to do.

II

DEFENDANT AND CO-CONSPIRATORS

5. American, a corporation formed under the laws of the State of Delaware, has its principal place of business in New Haven, West Virginia. During the period covered by this information, American was engaged in the sale of commodity ferrosilicon products throughout the United States.

6. Various persons and firms, not made defendants in this information, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

III

INTERSTATE TRADE AND COMMERCE

7. Commodity ferrosilicon products are alloys of iron and silicon. The most common products have silicon content of approximately 50% or 75% and are produced by most ferrosilicon producers who sell large quantities of these products. Commodity ferrosilicon products also contain close to the maximum allowable amount of elements which are considered impurities, for example, phosphorus, sulphur, and aluminum. The principal use of commodity ferrosilicon products is as an alloying agent in the production of steel and cast iron to improve the finished product's properties, for example, its strength and corrosion

resistance.

8. During the period covered by this information, defendant American and co-conspirators sold and shipped substantial quantities of commodity ferrosilicon products in a continuous and uninterrupted flow of interstate commerce to customers located in states other than states in which the defendant and co-conspirators manufactured commodity ferrosilicon products.

9. The business activities of defendant American 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

10. The combination and conspiracy charged in this information was carried out, in part, within the Western District of New York within the five years preceding the filing of this information.

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

Dated:

_____/s/_____
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Assistant Attorney General

_____/s/_____
MELVIN LUBLINSKI

_____/s/_____
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_____/s/_____
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