



1 used in the construction of cable-stayed bridges in the United States. The combination  
2 and conspiracy engaged in by the defendant and his co-conspirators was an  
3 unreasonable restraint of interstate trade and commerce, in violation of Section 1 of  
4 the Sherman Act (15 U.S.C. § 1).

5       3.     The charged combination and conspiracy consisted of a continuing  
6 agreement, understanding, and concert of action among the defendant and his co-  
7 conspirators, the substantial terms of which were:

8 (a) to raise or maintain prices for stay cable systems by refraining from  
9 competitive bidding;  
10 (b) to rig bids on contracts for the sale of stay cable systems; and  
11 (c) to allocate among the defendant and his co-conspirators contracts  
12 for the sale of stay cable systems.

II.

## MEANS AND METHODS OF THE CONSPIRACY

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

18 (a) participating in a meeting in London, England in or about  
19 September 1996 to discuss bids on stay cable systems;  
20 (b) agreeing, during the 1996 London meeting, to participate in a bid  
21 rotation scheme for stay cable systems;  
22 (c) exchanging information, including price information, for upcoming  
23 stay cable system bids; and  
24 (d) submitting noncompetitive, rigged bids in accordance with the bid  
25 rotation scheme on the following cable-stayed bridges:

- (i) Sidney Lanier, located in Georgia;
- (ii) Maysville, located in Kentucky and Ohio; and
- (iii) Charles River, located in Massachusetts.

III.

## DEFENDANT AND CO-CONSPIRATORS

6        5.      Defendant is a resident and citizen of France. During the period covered  
7 by this Indictment, defendant was the director of Freyssinet International et Cie  
8 ("Freyssinet"), acting as its chief executive officer. Freyssinet is a French company in  
9 the business of providing stay cable systems worldwide. Defendant supervised and  
10 approved bids submitted on behalf of Freyssinet for the sale of stay cable systems in  
11 the United States.

12        6.      Various corporations and individuals, not made defendants in this  
13 Indictment, participated as co-conspirators in the offense charged and performed acts  
14 and made statements in furtherance of it.

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

IV.

## TRADE AND COMMERCE

22        8.      The stay cable systems sold in accordance with the charged combination  
23 and conspiracy were used in cable-stayed bridges in various states.

24        9.      During the period covered by this Indictment, there was a substantial,  
25 continuous, and uninterrupted flow of interstate and foreign trade and commerce of  
26 essential supplies, materials, and services used by the defendant and his co-

1 conspirators in providing stay cable systems for the construction of cable-stayed  
2 bridges in the United States.

3        10. All of the stay cable systems that are the subject of the charged  
4 combination and conspiracy are essential components of the National Highway System  
5 and were partially funded by the United States Treasury.

6        11.    The actions of the defendant and his co-conspirators in carrying out the  
7 offense charged were within the flow of interstate and foreign trade and commerce and  
8 had a substantial effect on interstate and foreign trade and commerce.

V.

## JURISDICTION AND VENUE

11        12. The combination and conspiracy charged in this Indictment was carried  
12 out, in part, in the District of Massachusetts within the five years preceding the return

13 //

14 //

15 //

16 //

17 //

18 //

10 //

20 //

31 || 11

22 //

88 / 11

84 || 11

85

14

11

1 of this Indictment.

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

3 A TRUE BILL

4

5 "/s/" \_\_\_\_\_  
6 FOREPERSON

7

8 "/s/" \_\_\_\_\_  
9 Joel L. Klein  
10 Assistant Attorney General

11

12 "/s/" \_\_\_\_\_  
13 James M. Griffin  
14 Deputy Assistant Attorney General

15

16 "/s/" \_\_\_\_\_  
17 Scott D. Hammond  
18 Director of Criminal Enforcement

19 United States Department of Justice  
20 Antitrust Division

21 "/s/" \_\_\_\_\_  
22 Donald K. Stern  
23 United States Attorney  
24 District of Massachusetts

25

26

"/s/" \_\_\_\_\_  
Christopher S Crook  
Chief

"/s/" \_\_\_\_\_  
Jeane Hamilton  
Barbara J. Nelson  
Lisa V. Tenorio

Trial Attorneys  
United States Department of Justice  
Antitrust Division  
Box 36046, Room 10-0101  
San Francisco, CA 94102  
(415) 436-6660