

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA) Criminal No. 00-033
)
v.) Judge Marvin Katz
)
MITSUBISHI CORPORATION,) Violations: 15 U.S.C. § 1 and 18 U.S.C. § 2(a)
)
Defendant.) Filed: 11/9/00

GOVERNMENT'S AMENDED AND EXPANDED
VOLUNTARY BILL OF PARTICULARS

Without admitting that the defendant has any legal right to any particulars other than those set forth in the Indictment and fully reserving all rights it may have to oppose or object to any request contained in the defendant's letter of February 11, 2000, requesting a Bill of Particulars, and further reserving the right to file further and amended particulars prior to trial, the United States of America, by its attorneys, voluntarily files this bill based on present knowledge, information and belief which supplements the Government's Voluntary Bill of Particulars filed on May 16, 2000.

1. The additional unindicted corporate co-conspirators that are presently known to the United States are listed below.

- (a) M.C. Carbon Co., Ltd., Tokyo, Japan
- (b) Union Carbide Chemical, New South Wales, Australia

2. The additional individual co-conspirators who are presently known to the United States are listed below.

- (a) Ikusaburo Wakae
- (b) D.T. Nakajima

- (c) Tetsuro Imai
- (d) Masao Nakayama
- (e) Eisuke Shiozaki
- (f) Ichiro Fukushima
- (g) Gary Honson

3. On February 25, 1991, defendant acquired 50% ownership interest in UCAR. During the period of negotiations leading up to the UCAR acquisition, and at least as early as 1990, defendant began planning the aiding and abetting activities charged in the Indictment. Thereafter, defendant began to actively aid and abet the conspiracy, i.e., it counseled, induced and encouraged UCAR and other industry participants to meet and agree to fix prices as charged in Paragraph 4(a) of the Indictment. The price-fixing conspiracy began at least as early as March 1992. Thereafter, and until at least June 1997, defendant continued to aid and abet the conspiracy as charged in Paragraphs 4(a) through 4(d) of the Indictment. In addition, defendant further aided and abetted the price-fixing conspiracy by: (a) meeting with and giving assurance to Japanese manufacturers that the Mitsubishi/UCAR joint venture would not result in increased competition, but, rather, would result in a lessening of competition and an increase in prices; (b) counseling, inducing and encouraging UCAR to permit Mitsubishi to continue to sell in the United States the electrodes produced by the Japanese manufacturers in order to prevent the outbreak of price competition; (c) selling graphite electrodes of UCAR at prices it knew to be fixed pursuant to the conspiracy; and (d) counseling, inducing and encouraging the attempted purchase of the stock or assets of a co-conspirator graphite producer in 1996 and 1997 to further eliminate competition in the graphite electrode industry.

4. An additional employee of the defendant, presently known to the Government, who participated in the aforesaid aiding and abetting activities is Makoto Nakazato.

Dated:

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on the 9th day of November 2000, a copy of the Government's Amended and Expanded Voluntary Bill of Particulars has been mailed to counsel of record for the defendant as follows:

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