

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
 v.)
)
 TODD M. MARKEY,)
 Defendant.)

Criminal No.: **1:07CR 373**
Violation: 18 U.S.C. § 371

JUDGE O'MALLEY

INFORMATION

MAG. JUDGE MCHARGH

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

CONSPIRACY
(18 U.S.C. § 371)

1. Todd M. Markey is hereby made a defendant on the charge stated below.

I. DEFENDANT AND CO-CONSPIRATORS

At all times material to this Information:

2. Defendant Markey was chief operating officer of a company in the business of manufacturing and selling slats for window blinds. Slats are the louvers of window blinds that can be adjusted to let in more or less light. The Defendant's employer sold slats to fabricators and others. A fabricator makes slats into complete window blind units.

3. Co-conspirator Mario Cadorette was president of the company Defendant was employed by, and the Defendant reported to him.

4. Various individuals and companies, not made defendants in this Information, participated as co-conspirators in the offense charged in this Information and performed acts and made statements in furtherance of it.

5. 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, agents, employees, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

II. THE CONSPIRACY AND ITS OBJECTS

6. From April 2002 to on or about July 9, 2002, the exact dates being unknown to the United States, in the Eastern Division of the Northern District of Ohio and elsewhere, the Defendant did knowingly combine, conspire, confederate, and agree with others to commit the following offense against the United States, namely, having knowingly devised and intending to devise a scheme and artifice to defraud as to a material matter, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme and artifice to defraud, transmitted and caused to be transmitted writings, signals, and sounds, by means of wire communication in interstate and foreign commerce, in violation of Title 18, United States Code, Section 1343.

III. MANNER AND MEANS OF THE CONSPIRACY

7. It was a part of the conspiracy that the Defendant and co-conspirators would and did knowingly devise and intend to devise a scheme and artifice to defraud slats customers of money and the right to free and open competition in the pricing of slats by secretly fixing at noncompetitive and collusive levels the prices charged for slats (hereinafter "price-fixing scheme").

8. It was further a part of the conspiracy that the Defendant and co-conspirators would and did participate in an international telephone conference call during which there was discussion of the need to increase prices for slats and the need to obtain the agreement of the slats

manufacturers that were their competitors to raise their prices.

9. It was further a part of the conspiracy that the Defendant and co-conspirators would and did make and agree on assignments to contact specific competitors.

10. It was further a part of the conspiracy that the Defendant and co-conspirators would and did cause the placing of, and would and did participate in, interstate telephone calls with competitors to convince them to take part in the price-fixing scheme.

IV. OVERT ACTS

11. In furtherance of the conspiracy and to effectuate the illegal objects thereof, the Defendant and co-conspirators committed the following overt acts, among others, in the Northern District of Ohio and elsewhere.

a. During an international conference call on or about April 22 - 25, 2002, the Defendant and co-conspirators agreed on a price-fixing scheme whereby they would secretly convince competitors to increase slats prices by eight percent.

b. During that conference call, with co-conspirator Mario Cadorette taking the lead, the Defendant and co-conspirators agreed to contact their competitors to convince them to take part in the price-fixing scheme.

c. During that conference call, co-conspirator Mario Cadorette gave assignments to contact specific competitors, which were agreed upon by the Defendant and co-conspirators.

d. Beginning shortly after that conference call, the Defendant and co-conspirators made a series of contacts with their competitors, including interstate telephone calls, to convince them to take part in the price-fixing scheme.

V. JURISDICTION AND VENUE

12. The conspiracy charged in this Information was carried out, in part, within the Northern District of Ohio within the five years preceding the filing of this Information, excluding the period during which the statute of limitations has been suspended pursuant to the two attached agreements with the Defendant, each titled "Agreement Between The United States of America and Todd M. Markey Regarding Statute of Limitations" (Attachments 1 and 2). In furtherance of the conspiracy, interstate calls were made between a location in Houston, Texas and a location within this district within the five years preceding the filing of the Information, excluding the period during which the statute of limitations has been suspended pursuant to the attached agreements with the Defendant.

All in violation of Title 18, United States Code, Section 371.

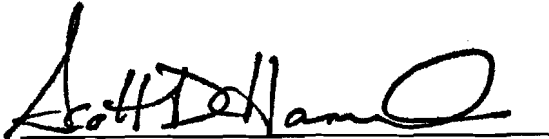
DATED: 27 June 2007



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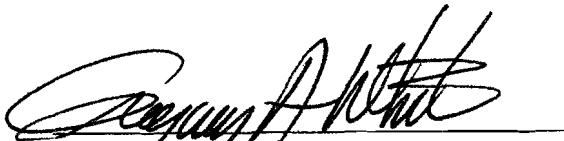


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GREGORY A. WHITE
United States Attorney
Northern District of Ohio

**Agreement Between The United States of America and
Todd M. Markey
Regarding Statute Of Limitations**

WHEREAS, the United States has been conducting an investigation into possible violations of the Sherman Act (15 U.S.C. § 1), and Conspiracy (18 U.S.C. § 371), Mail Fraud (18 U.S.C. § 1341), Wire Fraud (18 U.S.C. § 1343), and Aiding and Abetting (18 U.S.C. § 2) statutes, involving the sale of window blinds and slats (the vertical or horizontal louvers in blinds) by window blinds companies in North America (hereinafter referred to as "subject acts"); and

WHEREAS, the United States has indicated that it may seek to obtain an indictment against *Todd M. Markey* for violations of federal criminal laws based upon subject acts; and

WHEREAS, it is in the interest of both the United States and *Todd M. Markey* that negotiations continue in an attempt to resolve the charges that the United States has indicated it may seek against *Todd M. Markey* without resort to an indictment; and

WHEREAS, it is contemplated that such negotiations will take at least several weeks to complete;

NOW THEREFORE, the United States hereby agrees that, prior to *May 15, 2007*, it will not bring charges or seek an indictment against *Todd M. Markey* for violations of federal criminal laws based upon subject acts, and *Todd M. Markey* agrees that the time period commencing from the date of the execution hereof through *May 15, 2007* shall be excluded from any calculation or computation of time for the purposes of any statute of limitations applicable to the potential charges referred to above; provided, however, that nothing in this Agreement shall operate to revive any statute of limitations period which is or might be applicable to any such charges and which had otherwise expired as to such charges, prior to the date of this Agreement. By entering this Agreement, *Todd M. Markey* does not waive any defenses it may have to such charges, including any defense based upon any applicable statute of limitations, except that the period tolled by this Agreement must be excluded from any computation of time in connection with any such defense based upon a statute of limitations period which had not expired as of the date of this Agreement.

Nothing contained in this Agreement shall constitute or be construed as an admission by *Todd M. Markey* of any criminal liability or wrongdoing with respect to the matters under investigation by the United States as referred to above. Except as may be rendered necessary to enforce the terms of this Agreement itself, this Agreement shall not be introduced into evidence for any purpose in any criminal proceeding which may hereafter be instituted by the United States against *Todd M. Markey*

DATED: 9/2/07

Todd M. Markey
Todd M. Markey

Richard L. Stoper
RICHARD L. STOPER,
Counsel for Todd M. ESQ. Markey

UNITED STATES OF AMERICA

BY: William J. Oberdick
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*Agreement Between The United States of America and
Todd M. Markey
Regarding Statute Of Limitations*

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WHEREAS, it is in the interest of both the United States and *Todd M. Markey* that negotiations continue in an attempt to resolve the charges that the United States has indicated it may seek against *Todd M. Markey* without resort to an indictment; and

WHEREAS, it is contemplated that such negotiations will take at least several weeks to complete;

NOW THEREFORE, the United States hereby agrees that, prior to *June 8, 2007*, it will not bring charges or seek an indictment against *Todd M. Markey* for violations of federal criminal laws based upon subject acts, and *Todd M. Markey* agrees that the time period commencing from the date of the execution hereof through *June 8, 2007* shall be excluded from any calculation or computation of time for the purposes of any statute of limitations applicable to the potential charges referred to above; provided, however, that nothing in this Agreement shall operate to revive any statute of limitations period which is or might be applicable to any such charges and which had otherwise expired as to such charges, prior to the date of this Agreement. By entering this Agreement, *Todd M. Markey* does not waive any defenses it may have to such charges, including any defense based upon any applicable statute of limitations, except that the period tolled by this Agreement must be excluded from any computation of time in connection with any such defense based upon a statute of limitations period which had not expired as of the date of this Agreement.

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DATED: 5/9/2007

Todd Markey

Todd Markey

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RICHARD L. STOPER,
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