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2018R00139

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
2018 FEB 21 PM 3:01

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

ØYVIND ERVIK and
INGAR SKIAKER

Defendants

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CRIMINAL NO.

(Sherman Act Conspiracy,
15 U.S.C. § 1)

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GLR-18-092

INDICTMENT

The Grand Jury for the District of Maryland charges that:

Description of the Offense

1. From at least as early as the dates alleged herein until at least September 2012, the exact dates being unknown to the Grand Jury, in the District of Maryland and elsewhere, the defendants,

**ØYVIND ERVIK and
INGAR SKIAKER**

and their co-conspirators participated in a conspiracy among ocean carriers of roll-on, roll-off cargo to suppress and eliminate competition by allocating customers and routes, rigging bids, and fixing prices for international ocean shipping services for roll-on, roll-off cargo, such as cars and trucks, to and from the United States and elsewhere, in violation of the Sherman Antitrust Act, 15 U.S.C. § 1.

2. The Port of Baltimore, located in the District of Maryland, is one of the largest ports in the United States for the import and export of roll-on, roll-off cargo. During the time period covered by this Indictment, the defendants and their co-conspirators provided international ocean shipping services for roll-on, roll-off cargo transported through the Port of

Baltimore. Those shipping services, and the cargo transported by the defendants and their co-conspirators through the Port of Baltimore, were affected by the offense charged herein.

3. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendants and their co-conspirators, the substantial terms of which were to allocate customers and routes, rig bids, and to fix, stabilize, and maintain prices for international ocean shipping services for roll-on, roll-off cargo, such as cars and trucks, to and from the United States and elsewhere.

Defendants and Co-Conspirators

4. Defendant **ØYVIND ERVIK** (“**ERVIK**”) was a citizen of Norway. From at least as early as 2006, the exact date being unknown to the Grand Jury, **ERVIK** was employed by Höegh Autoliners AS (“Höegh”). Höegh was a corporation organized and existing under the laws of Norway, with its principal place of business in Oslo, Norway. In 2006, **ERVIK** was employed as senior vice president of Market Section II at Höegh, and continued to hold senior management positions at Höegh until September 2012. **ERVIK** knowingly joined and participated in the conspiracy from at least as early as 2006 and continuing at least until September 2012.

5. Defendant **INGAR SKIAKER** (“**SKIAKER**”) was a citizen of Norway. From at least as early as 2006, the exact date being unknown to the Grand Jury, **SKIAKER** was employed by Höegh. In 2006, **SKIAKER** was employed as head of global operations at Höegh, and continued to hold senior management positions at Höegh until September 2012. In 2011, **SKIAKER** became the Chief Executive Officer of Höegh, and held that position until at least September 2012. **SKIAKER** knowingly joined and participated in the conspiracy from at least as early as 2006 and continuing at least until September 2012.

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

7. Whenever in this Indictment 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.

Means and Methods of the Conspiracy

8. For purposes of forming and carrying out the charged combination and conspiracy, the Defendants and/or their co-conspirators did those things that they combined and conspired to do, in the United States and elsewhere, including, among other things:

a. attended meetings and engaged in communications during which they agreed to allocate certain customers and routes among corporate conspirators, including customers in the United States and routes to and from the United States, for international ocean shipping services for roll-on, roll-off cargo;

b. attended meetings and engaged in communications during which they agreed not to compete against each other, by refraining from bidding or by agreeing on the prices they would bid for certain customers and routes, including for customers located in the United States and routes to and from the United States;

c. attended meetings and engaged in communications during which they agreed to fix, stabilize, and maintain rates charged to certain customers of international ocean shipping services, including customers located in the United States and for routes to and from the United States;

d. to carry out such agreements, discussed and exchanged prices for certain bids and tenders, including for customers located in the United States and for routes to and from the United States;

e. submitted price quotations and bids in accordance with the agreements reached, including to customers in the United States and for routes to and from the United States;

f. submitted bills of lading and received payments for international ocean shipping services sold at collusive, non-competitive prices to customers in the United States and elsewhere; and

g. provided international ocean shipping services to customers in the United States and elsewhere, on routes to and from the United States and elsewhere, at collusive and non-competitive prices.

Trade and Commerce

9. Roll-on, roll-off cargo is non-containerized cargo that can be both rolled onto and rolled off of an ocean-going vessel. Examples of such cargo include new and used cars and trucks and construction and agricultural equipment. The international ocean shipment of roll-on, roll-off cargo as used herein is defined as deep-sea or trans-ocean transportation and does not include short-sea or coastal water freight transportation between the contiguous and non-contiguous states and territories of the United States.

10. During the time period covered by this Indictment, Höegh and its co-conspirators sold international ocean shipping services for roll-on, roll-off cargo to customers in the United States. The charged combination and conspiracy involved trade or commerce among the several states and U.S. import trade or commerce in ocean shipping services for roll-on, roll-off cargo.

11. During the time period covered by this Indictment, Höegh and its co-conspirators sold international ocean shipping services for roll-on, roll-off cargo imported into the United States. The charged combination and conspiracy had a direct, substantial, and reasonably foreseeable effect on U.S. import trade or commerce in roll-on, roll-off cargo shipped from foreign nations to the United States, and that effect, in part, gives rise to this charge.

12. During the time period covered by this Indictment, Höegh and its co-conspirators sold international ocean shipping services for roll-on, roll-off cargo exported from the United States. During this time period, the U.S. subsidiary of Höegh also had offices in Jericho, New York. The charged combination and conspiracy had a direct, substantial, and reasonably foreseeable effect on U.S. export trade or commerce in roll-on, roll-off cargo shipped from the United States to foreign nations of a person engaged in such trade or commerce in the United States, and that effect, in part, gives rise to this charge.

13. During the time period covered by this Indictment, the business activities of Höegh and its co-conspirators in connection with the international ocean shipment of roll-on, roll-off cargo to and from the United States were within the flow of, and substantially affected, commerce among the states and with foreign nations.

14. During the time period covered by this Indictment, the charged combination and conspiracy had a substantial and intended effect in the United States, including on trade or commerce among the several states and with foreign nations in international ocean shipping services for roll-on, roll-off cargo. For example, the charged combination and conspiracy had a substantial and intended effect on the price of shipping roll-on, roll-off cargo to and from the United States.

A TRUE BILL.

SIGNATURE REDACTED

Grand Jury Foreperson

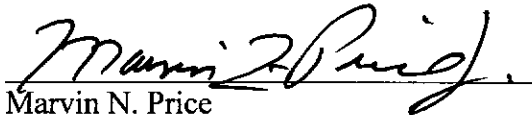
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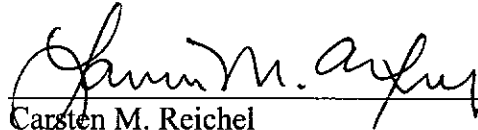
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