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CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	Criminal No.:
v.	)	
	)	Violation: 15 U.S.C. § 1
	)	
MAKOTO HORIE	)	Filed:
	)	
Defendant.	)	

3 :15 CR 003
JUDGE JAMES G. CARR
MAG. JUDGE JAMES R. KNEPP II

INFORMATION

The United States of America charges that:

I.

DEFENDANT AND CO-CONSPIRATORS

1. MAKOTO HORIE is hereby made a Defendant on the charge contained in this Information.

2. During the period covered by this Information, Toyoda Gosei Co., Ltd. ("Toyoda Gosei") was a corporation organized and existing under the laws of Japan with its principal place of business in Aichi, Japan, and did business in the United States through various subsidiaries, including Toyoda Gosei North America, Corp. ("TGNA") in Troy, Michigan. During the period covered by this Information, Toyoda Gosei was engaged in the business of manufacturing and selling certain automotive hoses (as defined in Paragraph 6 below, hereinafter "Certain Automotive Hoses") to Toyota Motor Corporation and certain of its subsidiaries, affiliates, and suppliers (collectively, "Toyota"), in the United States and elsewhere.

3. During the period covered by this Information, MAKOTO HORIE ("the defendant") was an employee of Toyoda Gosei and TGNA whose job responsibilities at times included the sale of Certain Automotive Hoses to Toyota in the United States.

ORIGINAL

4. Toyoda Gosei and other employees of Toyoda Gosei, along with another corporation and other individuals, 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.

BACKGROUND

6. Certain Automotive Hoses consist of low-pressure rubber hoses used in automobile engine compartments, and plastic and resin tubes used in automobile engine compartments and fuel tank modules.

7. Certain Automotive Hoses are typically manufactured for specific automobiles, and are developed over a year in advance of an automobile model entering the market. Before ordering Certain Automotive Hoses for a new automobile model, automobile manufacturers typically requested pricing from suppliers, through requests for quotation ("RFQs"). In response to the RFQs, the suppliers submitted price quotes, or bids, to the automobile manufacturer. When a supplier received part orders for a particular automobile model, it typically supplied the parts for the duration of that model, which is usually four to six years.

III.

DESCRIPTION OF THE OFFENSE

8. Beginning at least as early as March 2007 and continuing until as late as September 2010, the exact dates being unknown to the United States, in the Northern District of Ohio and elsewhere, the defendant and his co-conspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by agreeing to allocate sales of, to rig bids for, and to fix, stabilize, and maintain the prices of Certain Automotive Hoses sold to Toyota in the United States. The combination and conspiracy engaged in by the defendant and his co-conspirators was in unreasonable restraint of interstate commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

9. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and his co-conspirators, the substantial terms of which were to allocate sales of, to rig bids for, and to fix, stabilize, and maintain the prices of, Certain Automotive Hoses sold to Toyota in the United States.

IV.

MEANS AND METHODS OF THE CONSPIRACY

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

(a) participating in meetings, conversations, and other communications to discuss the bids and price quotations to be submitted to Toyota in the United States;

(b) agreeing, during those meetings, conversations, and communications, to allocate among the companies certain sales of Certain Automotive Hoses sold to Toyota in the United States;

(c) agreeing, during those meetings, conversations, and communications, on bids and price quotations to be submitted to Toyota in the United States;

(d) exchanging information on bids and price quotations to be submitted to Toyota in the United States, in order to effectuate the agreements reached;

(e) submitting bids and price quotations to Toyota in the United States in accordance with the agreements reached;

(f) selling Certain Automotive Hoses to Toyota in the United States at collusive and noncompetitive prices; and

(g) accepting payment for Certain Automotive Hoses sold to Toyota in the United States at collusive and noncompetitive prices.

V.

TRADE AND COMMERCE

11. During the period covered by this Information, Toyoda Gosei and co-conspirators sold to Toyota in the United States substantial quantities of Certain Automotive Hoses in a continuous and uninterrupted flow of interstate commerce. In addition, substantial quantities of equipment and supplies necessary to produce and distribute such Certain Automotive Hoses, as well as substantial payments for such parts, traveled in interstate commerce.

12. During the period covered by this Information, the business activities of the defendant and his co-conspirators in connection with the sale of Certain Automotive Hoses that

are the subject of this Information were within the flow of, and substantially affected, interstate commerce.

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

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