

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

v.

SANDEN CORPORATION,

Defendant.

Case:2:15-cr-20033

Judge: Michelson, Laurie J.

MJ: Patti, Anthony P.

Filed: 01-27-2015 At 01:00 PM

INFO USA V. SANDEN CORPORATION (DA)

Violation: 15 U.S.C. § 1

ONE COUNT

INFORMATION

**COUNT ONE
CONSPIRACY TO RESTRAIN TRADE
(15 U.S.C. § 1)**

THE UNITED STATES, ACTING THROUGH ITS ATTORNEYS, CHARGES:

Defendant and Co-Conspirators

1. Sanden Corporation ("defendant") is a corporation organized and existing under the laws of Japan with its principal place of business in Gunma, Japan. During the period covered by this Information, defendant was engaged in the business of manufacturing and selling compressors used in automotive air conditioning systems to Nissan North America, Inc.

("Nissan"), for installation in vehicles manufactured and sold in the United States and elsewhere.

2. A corporation and several 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.

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

Background of the Offense

4. During the period covered by this Information, defendant and its co-conspirators supplied compressors for installation in vehicles manufactured and/or sold in the United States and elsewhere.

5. During the period covered by this Information, defendant manufactured compressors used in automotive air conditioning systems: (a) in Japan and elsewhere for export to the United States and installation in vehicles manufactured and sold in the United States; and (b) in Japan for installation in vehicles manufactured in Japan, some of which were then exported to and sold in the United States.

6. When purchasing compressors, Nissan issues Requests for Quotation ("RFQs") to automotive parts suppliers on a model-by-model basis for model-specific parts. Automotive parts suppliers submit quotations or bids to Nissan in response to RFQs, and Nissan awards the business to the selected automotive parts supplier for the lifespan of the model, which is usually four to six years. Nissan procures parts for U.S.-manufactured vehicles in the United States and elsewhere.

Conspiracy to Restrain Trade

7. From at least as early as August 2008 and continuing until at least April 2009, the exact dates being unknown to the United States, defendant and its co-conspirators participated in a combination and conspiracy to suppress and eliminate competition in the automotive parts industry by agreeing to fix, stabilize, and maintain the prices of compressors sold to Nissan in the United States and elsewhere in response to an RFQ issued by Nissan. The combination and

conspiracy engaged in by defendant and its co-conspirators was in unreasonable restraint of interstate and foreign trade and commerce in violation of the Sherman Antitrust Act, 15 U.S.C. § 1.

8. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among defendant and its co-conspirators, the substantial terms of which were to fix, stabilize, and maintain the prices of compressors sold to Nissan in the United States and elsewhere.

9. The statute of limitations for the charged offense has been tolled from January 31, 2014 to February 28, 2015, pursuant to an agreement between the defendant and the United States.

Manner and Means of the Conspiracy

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

- a. engaging in communications in the Eastern District of Michigan and elsewhere to discuss the bids and price quotations to be submitted to Nissan in the United States and elsewhere;
- b. meeting and agreeing to fix, stabilize, and maintain bid prices to be submitted to Nissan in the United States and elsewhere;
- c. submitting bids and price quotations to Nissan in the United States and elsewhere in accordance with the agreement reached;
- d. selling compressors to Nissan in the United States and elsewhere at collusive and noncompetitive prices; and

e. accepting payment for compressors sold to Nissan in the United States and elsewhere at collusive and noncompetitive prices.

Trade and Commerce

11. During the period covered by this Information, defendant and its co-conspirators sold to Nissan in the United States substantial quantities of compressors shipped from outside the United States in a continuous and uninterrupted flow of interstate and foreign trade and commerce. In addition, payments for compressors sold by defendant and its co-conspirators, traveled in interstate and foreign trade and commerce. The business activities of defendant and its co-conspirators in connection with the production and sale of compressors that were the subject of the charged conspiracy were within the flow of, and substantially affected, interstate and foreign trade and commerce.

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

Dated: January 20, 2015

s/Brent Snyder
Brent Snyder
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Antitrust Division
United States Department of Justice

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