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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

v.

YOSHINOBU FUJINO,

Defendant.
_____/

Case:2:13-cr-20870
Judge: Cox, Sean F.
MJ: Whalen, R. Steven
Filed: 11-21-2013 At 09:22 AM
INFO USA V. YOSHINOBU FUJINO (DA)

Violation: 15 U.S.C. § 1

INFORMATION

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

THE UNITED STATES, ACTING THROUGH ITS ATTORNEYS, CHARGES:

Defendant and Co-Conspirators

1. During the period covered by this Information, Yoshinobu Fujino ("Defendant") was employed by Takata Corporation ("Takata"), a corporation organized and existing under the laws of Japan, with its principal place of business in Tokyo, Japan, and TK Holdings Inc. ("TKH"), a Delaware corporation with its principal place of business in Auburn Hills, Michigan, which is a United States subsidiary of Takata. During the period covered by this Information, Defendant was employed by Takata in Japan as Manager for the Toyota Group within the Customer Relations Division from at least January 2004 to June 2005, by Takata in Japan as Manager for the Mazda Group within the Customer Relations Division from June 2005 to the end of 2007, and by TKH in the United States as Vice President of Sales for the Transplant Sales Department from the beginning of 2008 through at least February 2011.

2. Various corporations and 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 his co-conspirators supplied seatbelts to Toyota Motor Corporation, Honda Motor Co., Ltd., Nissan Motor Co. Ltd., Fuji Heavy Industries, Inc. (Subaru), Mazda Motor Corporation, and certain of their subsidiaries and affiliates (all combined "the Automobile Manufacturers") for installation in vehicles manufactured and/or sold in the United States and elsewhere.

5. During the period covered by this Information, Takata and TKH manufactured seatbelts (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 and elsewhere for installation in vehicles manufactured in Japan for export to and sale in the United States.

6. Seatbelts are safety strap restraints designed to secure an occupant in position in a vehicle in the event of an accident. A seatbelt includes belt webbing, a buckle, a retractor, and hardware for installation in a vehicle. It may also include, depending on the requirements of the vehicle manufacturer, a height adjuster, a pretensioner, or other devices associated with the seatbelt. When purchasing seatbelts, automobile manufacturers issue 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 the automobile manufacturers in response to RFQs, and the automobile manufacturers award the business to the selected automotive parts supplier for the lifespan of the model, which is usually four to six years. Typically, the bidding process for a particular model begins approximately three years prior to the start of production. Automobile manufacturers procure parts for U.S.-manufactured vehicles both in Japan and the United States.

Conspiracy to Restrain Trade

7. From at least as early as January 2004 until at least February 2011, the exact dates being unknown to the United States, Defendant and his co-conspirators participated in a combination and conspiracy to suppress and eliminate competition in the automotive parts industry by agreeing to rig bids for, and to fix, stabilize, and maintain the prices of, certain seatbelts sold to the Automobile Manufacturers in the United States and elsewhere. The combination and conspiracy engaged in by Defendant and his 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 his co-conspirators, the substantial terms of which were to rig bids for, and to fix, stabilize, and maintain the prices of, seatbelts sold to the Automobile Manufacturers in the United States and elsewhere.

Manner and Means of the Conspiracy

9. For purposes of forming and carrying out the charged combination and conspiracy, 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 communications to discuss the bids and price quotations to be submitted to the Automobile Manufacturers in the United States and elsewhere;

b. agreeing, during those meetings, conversations, and communications, on bids and price quotations to be submitted to the Automobile Manufacturers in the United States and elsewhere;

c. agreeing, during those meetings, conversations, and communications, to allocate the supply of seatbelts sold to the Automobile Manufacturers in the United States and elsewhere on a model-by-model basis;

d. submitting bids, price quotations, and price adjustments to the Automobile Manufacturers in the United States and elsewhere in accordance with the agreements reached;

e. selling seatbelts to the Automobile Manufacturers in the United States and elsewhere at collusive and noncompetitive prices; and

f. accepting payment for seatbelts sold to the Automobile Manufacturers in the United States and elsewhere at collusive and noncompetitive prices.

Trade and Commerce

10. During the period covered by this Information, Takata and its co-conspirators sold to the Automobile Manufacturers substantial quantities of seatbelts shipped from outside the

United States and from other states in a continuous and uninterrupted flow of interstate and foreign trade and commerce. In addition, substantial quantities of equipment and supplies necessary to the production and distribution of seatbelts sold by Takata and its co-conspirators, as well as payments for seatbelts sold by Takata and its co-conspirators, traveled in interstate and foreign trade and commerce. The business activities of Defendant and his co-conspirators in connection with the production and sale of seatbelts that were the subject of the charged conspiracy were within the flow of, and substantially affected, interstate and foreign trade and commerce.

Jurisdiction and Venue

11. The combination and conspiracy charged in this Information was carried out, at least in part, in the United States within the five years preceding the filing of this Information.

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

Dated: 11/14/13

_____/s/_____
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