

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

UNITED STATES OF AMERICA)

v.)

HIROSHI YOSHIDA)

Defendant.)

Criminal No.:

Violation: 18 U.S.C. § 1

Filed:

JUDGE ZOUHARY

MAG. JUDGE ARMSTRONG

INFORMATION

The United States of America charges that:

I.

DEFENDANT AND CO-CONSPIRATORS

1. HIROSHI YOSHIDA is hereby made a Defendant on the charge contained in this Information.

2. During the period covered by this Information, Company A was a corporation organized and existing under the laws of Japan with its principal place of business in Saitama, Japan, and did business in the United States through a subsidiary with a principal place of business in Washington Court House, Ohio. During the period covered by this Information, Company A was a supplier of anti-vibration rubber parts to automobile manufacturers in the United States and elsewhere.

3. During the period covered by this Information, HIROSHI YOSHIDA was a management-level employee in the Sales Department of Company A whose job responsibilities included overseeing the pricing of anti-vibration rubber parts sold to automobile manufacturers in the United States and elsewhere.

ORIGINAL

4. Company A and other employees of Company A, along with at least one other corporation and its employees, not made Defendants in this Information, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

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. Anti-vibration rubber parts are comprised primarily of rubber and metal, and are installed in automobiles to reduce engine and road vibration. Anti-vibration rubber parts are installed in suspension systems and engine mounts, as well as other parts of an automobile.

7. Anti-vibration rubber parts are typically custom-designed to fit specific automobiles, and are developed over a year in advance of an automobile model entering the market. Before ordering anti-vibration rubber parts for a new automobile model, automobile manufacturers typically request pricing from suppliers, through requests for quotation ("RFQs"). In response to the RFQs, the suppliers submit price quotes, or bids, to the automobile manufacturer. When a supplier receives part orders for a particular automobile model, it typically supplies 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 October 2005 and continuing until as late as June 2011, the exact dates being unknown to the United States, the Defendant and co-conspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by rigging bids and fixing prices for automobile anti-vibration rubber parts sold in the United States and elsewhere. The combination and conspiracy engaged in by the Defendant and his co-conspirators was in unreasonable restraint of interstate and foreign trade and 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 rig bids for, and to fix, raise, and maintain the prices of, automobile anti-vibration rubber parts sold in the United States and elsewhere.

IV.

MEANS AND METHODS OF THE CONSPIRACY

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

- (a) attending meetings and engaging in discussions in Japan concerning RFQs and prices for automobile anti-vibration rubber parts sold in the United States and elsewhere;

- (b) agreeing during those meetings and discussions to allocate between the companies the supply of certain automobile anti-vibration rubber parts sold in the United States and elsewhere;
- (c) agreeing to exchange prices for certain automobile anti-vibration rubber parts sold in the United States and elsewhere;
- (d) exchanging prices for certain automobile anti-vibration rubber parts sold in the United States and elsewhere in accordance with the agreements reached;
- (e) agreeing to submit higher bids for the supply of certain automobile anti-vibration rubber parts sold in the United States and elsewhere;
- (f) submitting higher bids so as not to undercut the other company's bids for the supply of certain automobile anti-vibration rubber parts sold in the United States and elsewhere in accordance with the agreements reached;
- (g) selling automobile anti-vibration rubber parts in the United States and elsewhere at collusive and noncompetitive prices; and
- (h) accepting payment for automobile anti-vibration rubber parts sold in the United States and elsewhere at collusive and noncompetitive prices.

V.

TRADE AND COMMERCE

11. During the period covered by this Information, Company A and its co-conspirators shipped substantial quantities of anti-vibration rubber parts in a continuous and uninterrupted flow of interstate and foreign trade and commerce to automobile manufacturers located in the United States and elsewhere. In addition, substantial quantities of equipment and

supplies necessary to produce and distribute such anti-vibration rubber parts, as well as substantial payments for such parts, traveled in interstate and foreign trade and commerce.

12. During the period covered by this Information, the business activities of the Defendant and co-conspirators in connection with the sale of automobile anti-vibration rubber parts that are the subject of this Information were within the flow of, and substantially affected, interstate and foreign trade and commerce.

VI.

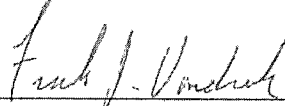
JURISDICTION AND VENUE

13. The combination and conspiracy charged in this Information was carried out in the Northern District of Ohio and elsewhere within the five years preceding the date of this Information.

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



JOSEPH F. WAYLAND
Acting Assistant Attorney General



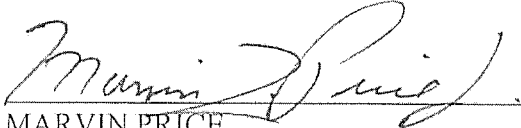
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