

1 MARC SIEGEL (CSBN 142071)  
LISA V. TENORIO (CSBN 205955)  
2 KESLIE STEWART (CSBN 184090)  
DANA R. WAGNER (CSBN 209099)  
3 DINA WONG (CSBN 202878)  
U.S. Department of Justice  
4 Antitrust Division  
450 Golden Gate Avenue  
5 Box 36046, Room 10-0101  
San Francisco, CA 94102  
6 Telephone: (415) 436-6660

Original Filed March 14, 2002

7 Attorneys for the United States  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11

12 UNITED STATES OF AMERICA,	)	No. CR 02 - 0078WHA
	)	
13	)	INFORMATION
v.	)	
14	)	VIOLATION:
	)	Title 15, United States Code,
15 PATRICK STANTON,	)	Section 1 (Price Fixing, Market-
	)	Share Allocation)
16	)	
Defendant.	)	San Francisco Venue
17	)	

18  
19 The United States of America, acting through its attorneys, charges:

20 I.

21 DESCRIPTION OF THE OFFENSE

22 1. PATRICK STANTON ("STANTON") is made a defendant on the  
23 charge stated below.

24 2. Beginning in or about September 1995 and continuing until in or about  
25 December 1996, defendant STANTON and coconspirators entered into and  
26 engaged in a combination and conspiracy to suppress and eliminate competition by

1 fixing the prices and allocating the market shares of monochloroacetic acid and  
2 sodium monochloroacetate (collectively referred to as "MCAA") to be sold in the  
3 United States and elsewhere. The combination and conspiracy engaged in by the  
4 defendant and coconspirators was in unreasonable restraint of interstate and  
5 foreign trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C.  
6 § 1).

7 3. The charged combination and conspiracy consisted of a continuing  
8 agreement, understanding, and concert of action among the defendant and  
9 coconspirators, the substantial terms of which were:

10 (a) to agree to fix and maintain prices and to coordinate price  
11 increases for MCAA to be sold in the United States and  
12 elsewhere; and

13 (b) to agree to allocate among major MCAA producers the market  
14 shares of MCAA to be sold by each in the United States and  
15 elsewhere.

16 4. For the purpose of forming and carrying out the charged combination  
17 and conspiracy, the defendant and coconspirators did those things that they  
18 combined and conspired to do, including, among other things:

19 (a) participating in meetings and conversations to discuss the prices  
20 and market shares of MCAA to be sold in the United States and  
21 elsewhere;

22 (b) agreeing, during those meetings and conversations, to charge  
23 prices at certain levels and otherwise to increase and maintain  
24 prices of MCAA to be sold in the United States and elsewhere;

25 (c) agreeing, during those meetings and conversations, to allocate  
26 among major producers of MCAA the market shares of MCAA to

1 be sold in the United States and elsewhere;

2 (d) issuing price announcements and price quotations in accordance  
3 with the agreements reached; and

4 (e) exchanging information on sales of MCAA in the United States  
5 and elsewhere for the purpose of monitoring and enforcing  
6 adherence to the agreed-upon market shares.

7 II.

8 DEFENDANT AND COCONSPIRATORS

9 5. During the period covered by this Information, defendant STANTON  
10 was a Department Head of the Chlorine, Bromine, and Derivatives Division of Elf  
11 Atochem S.A. (“Elf”), a corporation organized and existing under the laws of France.  
12 During the period covered by this Information, the defendant and Elf were engaged  
13 in the business of producing MCAA and selling it to customers in the United States  
14 and elsewhere.

15 6. Various corporations and individuals, not made defendants in this  
16 Information, participated as coconspirators in the offense charged in this  
17 Information and performed acts and made statements in furtherance of it.

18 7. Whenever in this Information reference is made to any act, deed, or  
19 transaction of any corporation, the allegation means that the corporation engaged  
20 in the act, deed, or transaction by or through its officers, directors, employees,  
21 agents, or other representatives while they were actively engaged in the  
22 management, direction, control, or transaction of its business or affairs.

23 III.

24 TRADE AND COMMERCE

25 8. MCAA is a reactive chemical compound that is used to form a number  
26 of intermediate chemicals. Markets for MCAA and its derivatives include drilling

1 fluids, plastic stabilizers, herbicides, and pharmaceuticals.

2 9. During the period covered by this Information, the defendant and  
3 coconspirators sold and distributed MCAA in a continuous and uninterrupted flow  
4 of interstate and foreign trade and commerce to customers located in states or  
5 countries other than the states or countries in which the defendant and  
6 coconspirators produced MCAA.

7 \\\

8 \\\

9 \\\

10 \\\

11 \\\

12 \\\

13 \\\

14 \\\

15 \\\

16 \\\

17 \\\

18 \\\

19 \\\

20 \\\

21 \\\

22 \\\

23 \\\

24 \\\

25 \\\

26 \\\

