

1 NIAL E. LYNCH (CSBN 157959)
LIDIA SPIROFF (CSBN 222253)
2 SIDNEY A. MAJALYA (CSBN 205047)
LARA M. KROOP (CSBN 239512)
3 Antitrust Division
U.S. Department of Justice
4 450 Golden Gate Avenue
Box 36046, Room 10-0101
5 San Francisco, CA 94102
Telephone: (415) 436-6660

6 Attorneys for the United States
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA)	Case No. CR 06-0159 MMC
)	
12 v.)	STIPULATION IN SUPPORT OF
)	EXPEDITED SENTENCING
13)	PURSUANT TO L.R. 32-1(b)
14 SOLVAY S.A.,)	
)	
15 Defendant.)	DATE: April 19, 2006
)	TIME: 2:30 p.m.
)	COURT: Hon. Maxine M. Chesney

16
17 On March 14, 2006, the United States filed a two-count Information charging Solvay S.A.
18 (“Solvay”) with one count of participating in a conspiracy in the United States and elsewhere to
19 suppress and eliminate competition by fixing the price of hydrogen peroxide (Count One)
20 beginning on or about July 1, 1998 and continuing until on or about December 1, 2001, in
21 violation of the Sherman Antitrust Act, 15 U.S.C. § 1, and also charging Solvay with one count of
22 participating in a conspiracy to suppress and eliminate competition by fixing the price of sodium
23 perborates sold to Procter & Gamble (Count Two) beginning on or about June 1, 2000 and
24 continuing until on or about December 1, 2001, in violation of the Sherman Antitrust Act, 15
25 U.S.C. § 1. Solvay is scheduled for a change of plea and possible sentencing before this Court on
26 April 19, 2006. Solvay will waive Indictment and plead guilty under Fed. R. Crim. P.
27 11(c)(1)(C). The United States and Solvay have filed a Joint Sentencing Memorandum
28 describing the material terms of the plea agreement and the agreed upon sentencing

1 recommendation.

2 IT IS HEREBY STIPULATED AND AGREED as follows:

3 Solvay waives its right to a presentence report. The United States and Solvay request that
4 the Court sentence Solvay on an expedited basis pursuant to Crim. L.R. 32-1(b), on April 19,
5 2006. The United States and Solvay respectfully submit that the Joint Sentencing Memorandum
6 and the Plea Agreement provide sufficient information for the Court to impose a sentence on
7 April 19, 2006, the same date as the change of plea hearing, without a presentence report.

8
9 DATED: April 5, 2006

Respectfully submitted,

10
11 SOLVAY S.A.

U.S. DEPARTMENT OF JUSTICE

12 BY: /s/
13 Edwin J. Buckingham III, Esq.
14 General Counsel
Solvay America, Inc.

BY: /s/
Niall E. Lynch
Assistant Chief, San Francisco Office
Lidia Spiroff
Sidney A. Majalya
Lara M. Kroop
Trial Attorneys

15 COUNSEL FOR DEFENDANT

16 BY: /s/AP
17 Steven W. Thomas, Esq.
18 Steven R. Peikin, Esq.
19 Adam S. Paris, Esq.
Sullivan & Cromwell LLP
1888 Century Park East
Los Angeles, CA 90067
Telephone: (310) 712-6600

U.S. Department of Justice
Antitrust Division
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
Telephone: (415) 436-6660
Fax: (415) 436-6687