

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

OFFENSE CHARGED

Count One: 15 U.S.C. §1 - Price Fixing

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY: See attached penalty sheet

DEFENDANT - U.S.

StarKist Co.

DISTRICT COURT NUMBER

CR18 0513

EMC FILED

OCT 18 2018

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form Leslie Wulff, DOJ-Antitrust

U.S. Attorney Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

DEFENDANT SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IS NOT IN CUSTODY Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior summons was served on above charges
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
 - 5) On another conviction } Federal State
 - 6) Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET

Individual: **StarKist**

15 U.S.C. § 1 – Price Fixing (Count 1)

Maximum Penalties:

1. A fine in an amount equal to the largest of:
 - A. \$100 Million
2. A term of probation of at least one year, but not more than five years
3. \$400 special assessment
4. Restitution

EMC

CR18

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SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

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SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 LESLIE A. WULFF (CSBN 277979)
 2 MICAH L. RUBBO (CSBN 267465)
 3 ANDREW SCHUPANITZ (CSBN 315850)
 4 ANN CHO LUCAS (CSBN 309026)
 United States Department of Justice
 5 Antitrust Division
 450 Golden Gate Avenue
 5 Box 36046, Room 10-0101
 6 San Francisco, California 94102
 Telephone: (415) 934-5300
 7 Facsimile: (415) 934-5399
 Leslie.Wulff@usdoj.gov
 8
 9 Attorneys for the United States

EMC

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 11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**
 13 **SAN FRANCISCO DIVISION**

CR18 0513

14 UNITED STATES OF AMERICA,
 15 Plaintiff,

Case No. 18 CR _____

16
 17 v.

INFORMATION

18 STARKIST CO.,
 19 Defendant.

15 U.S.C. § 1 — Price Fixing

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

21 I.

22 **DESCRIPTION OF THE OFFENSE**

23 1. STARKIST CO. (“defendant”) is hereby made defendant on the charge
 24 contained in this Information.

25 2. Beginning at least as early as November 2011 and continuing until at least as
 26 late as December 2013, the exact dates being unknown to the United States, in the Northern
 27 District of California and elsewhere, the defendant and its coconspirators knowingly entered
 28 into and engaged in a combination and conspiracy to fix, raise, and maintain the prices of

1 packaged seafood sold in the United States. The combination and conspiracy engaged in by
2 the defendant and coconspirators was an unreasonable restraint of interstate commerce in
3 violation of Section 1 of the Sherman Antitrust Act (15 U.S.C. § 1).

4 3. The charged combination and conspiracy consisted of a continuing agreement,
5 understanding, and concert of action among the defendant and coconspirators, the substantial
6 terms of which were to fix, raise, and maintain prices of packaged seafood.

7 4. For purposes of this Information, packaged seafood consists of canned tuna
8 fish.

9 II.

10 DEFENDANT AND COCONSPIRATORS

11 5. During the time period covered by this Information, the defendant was a
12 corporation organized and existing under the laws of Delaware and had its principal place of
13 business in Pittsburgh, Pennsylvania.

14 6. During the time period covered by this Information, the defendant was a
15 producer of packaged seafood and was engaged in the sale of packaged seafood in the
16 United States.

17 7. Various business organizations and individuals, not made defendants in this
18 Information, participated as coconspirators in the offense charged in this Information and
19 performed acts and made statements in furtherance of it.

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

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INFORMATION

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III.

MEANS AND METHODS OF THE CONSPIRACY

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

a. engaged in conversations and discussions and attended meetings with representatives of other major packaged-seafood-producing firms;

b. agreed and reached mutual understandings during these conversations, discussions, and meetings, to fix, raise, and maintain the prices of packaged seafood sold in the United States; and

c. negotiated prices with customers and issued price announcements for packaged seafood in accordance with the agreements and mutual understandings reached.

IV.

TRADE AND COMMERCE

10. During the time period covered by this Information, packaged seafood sold by the defendant and one or more of the coconspirator firms, and equipment and supplies necessary to the production and distribution of packaged seafood, as well as payments for packaged seafood, traveled in interstate commerce.

11. During the time period covered by this Information, the business activities of defendant and its coconspirators in connection with the sale of packaged seafood were within the flow of, and substantially affected, interstate commerce.

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



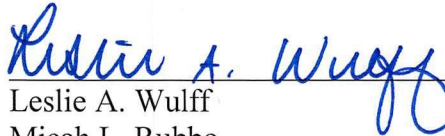
Makan Delrahim
Assistant Attorney General



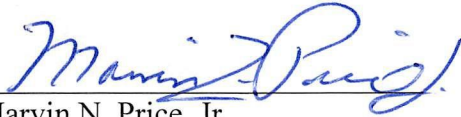
Manish Kumar
Acting Chief, San Francisco Office



Richard A. Powers
Acting Deputy Assistant Attorney General



Leslie A. Wulff
Micah L. Rubbo
Andrew Schupanitz
Ann Cho Lucas
Trial Attorneys, Antitrust Division
United States Department of Justice



Marvin N. Price, Jr.
Director of Criminal Enforcement

Antitrust Division
United States Department of Justice



Alex G. Tse
Acting United States Attorney
Northern District of California

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