

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
RICHARD W. NAGEL
CLERK OF COURT

15 APR 28 PM 12:06

U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WEST DIV CINCINNATI

UNITED STATES OF AMERICA

v.

YAMADA MANUFACTURING CO., LTD.,

Defendant.

Criminal No.

Filed:

Violation: 15 U.S.C. § 1

1115CR - 047

J. DLOTT

INFORMATION

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

THE UNITED STATES, ACTING THROUGH ITS ATTORNEYS, CHARGES:

Defendant and Co-Conspirators

1. Yamada Manufacturing Co., Ltd. ("Defendant") is a corporation organized and existing under the laws of Japan with its principal place of business in Kiryu City, Gunma Prefecture, Japan. During the period covered by this Information, Defendant and certain of its subsidiaries were engaged in the manufacture and sale of manual (non-electric or non-hydraulic-powered) steering columns ("steering columns") to certain subsidiaries of Honda Motor Co., Ltd. (collectively, "Honda") in the United States and elsewhere for installation in vehicles manufactured and sold in the United States and elsewhere.

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, agents, employees, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

Background

4. During the period covered by this Information, Defendant and its corporate co-conspirator manufactured and sold steering columns to Honda for installation in vehicles manufactured and sold in the United States and elsewhere.

5. The steering column is a shaft on which the automobile steering wheel is mounted and by which it is connected with the steering gears. When purchasing steering columns, automobile manufacturers typically 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 the 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 more than three years prior to the start of production. Automobile manufacturers procure parts for U.S.-manufactured vehicles in the United States and elsewhere.

Conspiracy to Restrain Trade

6. From at least as early as the fall of 2007 and continuing until as late as September 2012, the exact dates being unknown to the United States, Defendant and its co-conspirators entered into and engaged 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 steering columns sold to Honda in the United States and elsewhere. The combination

and conspiracy engaged in by Defendant and its co-conspirators was an unreasonable restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

7. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action between Defendant and its co-conspirators, the substantial terms of which were to rig bids for, and to fix, stabilize, and maintain the prices of steering columns sold to Honda in the United States and elsewhere.

Manner and Means of the Conspiracy

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

- (a) participating in a meeting, conversations, and communications to discuss prices to be submitted to Honda in the United States and elsewhere;
- (b) agreeing, during that meeting and those conversations and communications, on bids and price quotations to be submitted to Honda in the United States and elsewhere;
- (c) submitting bids and price quotations to Honda in the United States and elsewhere;
- (d) exchanging information on bids, price quotations, and price adjustments to be submitted to Honda in the United States and elsewhere;
- (e) selling steering columns to Honda in the United States and elsewhere at collusive and noncompetitive prices;
- (f) accepting payment for steering columns sold to Honda in the United States and elsewhere at collusive and noncompetitive prices;

(g) engaging in conversations and other communications for the purpose of monitoring and enforcing adherence to the agreed-upon bid-rigging and price-fixing scheme; and

(h) employing measures to keep their conduct secret.

Trade and Commerce

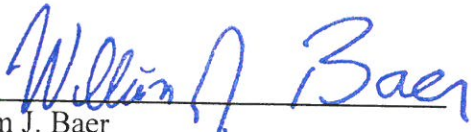
9. During the period covered by this Information, Defendant and its co-conspirator sold to Honda, located in Ohio and Indiana in the United States and elsewhere, substantial quantities of steering columns, and Defendant shipped substantial quantities of steering columns from Ohio to Indiana in a continuous and uninterrupted flow of interstate trade and commerce. In addition, substantial quantities of equipment and supplies necessary to the manufacture and sale of steering columns sold by Defendant and its co-conspirator, as well as substantial payments for steering columns sold by Defendant and its co-conspirator, traveled in interstate trade and commerce. The business activities of Defendant and its co-conspirator in connection with the manufacture and sale of steering columns that were the subject of the charged conspiracy were within the flow of, and substantially affected, interstate trade and commerce.

Jurisdiction and Venue

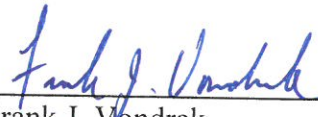
10. The combination and conspiracy charged in this Information was carried out within the Southern District of Ohio, at least in part, within the five years preceding the filing of this Information.

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

Dated:



William J. Baer
Assistant Attorney General



Frank J. Vondrak
Chief, Chicago Office



Brent C. Snyder
Deputy Assistant Attorney General for
Criminal Enforcement



Marvin N. Price, Jr.
Director of Criminal Enforcement

Antitrust Division
U.S. Department of Justice



Carter M. Stewart
United States Attorney for the
Southern District of Ohio



Diane C. Lotko-Baker
diane.lotko-baker@usdoj.gov
Jason C. Turner
jason.turner@usdoj.gov
Carla M. Stern
carla.stern@usdoj.gov
Daniel W. Glad
daniel.glad@usdoj.gov

Attorneys, Antitrust Division
U.S. Department of Justice
Chicago Office
209 S. LaSalle Street
Suite 600
Chicago, Illinois 60604
(312) 984-7200