

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : Criminal No. **14cr 263**

: Filed:

v. : Violation: 15 U.S.C. § 1

RIVERSIDE SEAT COMPANY, :
WOODBRIDGE FOAM FABRICATING, :
INC.; and SW FOAM LLC, :

Defendants. :

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INFORMATION

COUNT 1

CONSPIRACY TO RESTRAIN TRADE

(15 U.S.C. § 1)

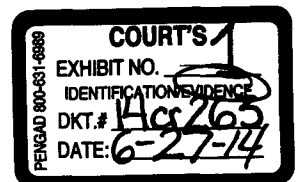
The United States of America, acting through its attorneys, charges:

1. Riverside Seat Company (“Riverside”); Woodbridge Foam Fabricating, Inc. (“WFFI”); and SW Foam LLC (“SW”) (collectively, “defendants”) are hereby made defendants on the charge stated below.

I

DESCRIPTION OF THE OFFENSE

2. From at least as early as June 9, 2008, and continuing at least until April 20, 2009 (the “relevant period”), the exact dates being unknown to the United States, the defendants and their co-conspirators entered into and engaged in a conspiracy to suppress and eliminate competition by fixing prices to customers of polyurethane flexible slab stock automotive foam, as defined in Paragraph 3 below, in the United States and elsewhere. The



charged conspiracy unreasonably restrained interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

3. Polyurethane flexible slab stock automotive foam is a low-density, slab stock, flexible foam used as a component of automotive interior parts, such as seat covers, headliners, headrests, door panels, and armrests, and excludes any molded, semi-rigid, rigid, and high-density foam. Polyurethane flexible slab stock automotive foam, as defined and used in this Information, includes only the foam itself and does not include any automotive parts in which such foam may be a component.

4. The charged conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendants and their co-conspirators, the substantial terms of which were to fix prices to customers for polyurethane flexible slab stock automotive foam in the United States and elsewhere.

5. The United States and the defendants have consented to venue in the Eastern District of New York for the conduct charged in this Information.

II

MEANS AND METHODS OF THE CONSPIRACY

6. During the relevant period, for the purpose of forming and carrying out the charged conspiracy, the defendants and their co-conspirators knowingly did those things that they combined and conspired to do, including, among other things:

(a) participated in conversations and meetings to discuss polyurethane flexible slab stock automotive foam prices;

(b) agreed, during those conversations and meetings, to coordinate the timing and amount of price increases for polyurethane flexible slab stock automotive foam in the United States and elsewhere;

(c) exchanged information during those conversations and meetings, for the purpose of monitoring and enforcing adherence to the agreement to coordinate the timing and amount of price increases for polyurethane flexible slab stock automotive foam in the United States and elsewhere; and

(d) coordinated the timing and amount of price increases for polyurethane flexible slab stock automotive foam customers.

III

DEFENDANTS AND CO-CONSPIRATORS

7. During the relevant period, Riverside was a limited liability company organized and existing under the laws of Missouri, with its principal place of business in Riverside, Missouri, and was engaged in the production and sale of polyurethane flexible slab stock automotive foam in the United States and elsewhere.

8. During the relevant period, WFFI was a corporation organized and existing under the laws of Tennessee, with its principal place of business in Chattanooga, Tennessee, and was engaged in the production and sale of polyurethane flexible slab stock automotive foam in the United States and elsewhere.

9. During the relevant period, SW was a limited liability company organized and existing under the laws of Texas, with its principal place of business in El Paso, Texas, and was engaged in the production and sale of polyurethane flexible slab stock automotive foam in the United States and elsewhere.

10. During the relevant period, the defendants were owned as follows. Riverside was wholly owned by Woodbridge Holdings Inc. WFFI was owned by Woodbridge Holdings Inc. (80%) and INOAC Corporation (20%). SW was owned by Brunswick Seat

Company (50%) (which was owned by Woodbridge Holdings Inc.) and Inoac North America, LLC (50%).

11. Certain individuals and corporations, not made defendants in this Information, participated as co-conspirators in the offense charged and performed acts, and made statements in furtherance of it.

12. Whenever this Information refers to any act, deed, or transaction of any company, corporation or limited liability corporation ("LLC"), it means that the company, corporation or LLC engaged in the act, deed, or transaction by or through its officers, directors, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transactions of the company's, corporation's or LLC's business or affairs.

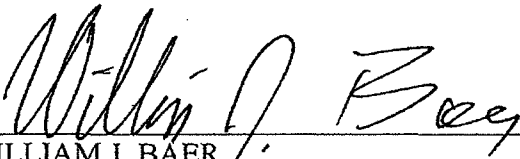
IV


TRADE AND COMMERCE

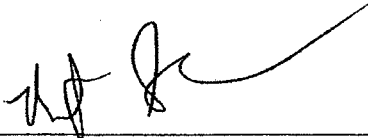
13. During the relevant period, the defendants and co-conspirators produced polyurethane flexible slab stock automotive foam and sold and shipped polyurethane flexible slab stock automotive foam in a continuous and uninterrupted flow of interstate and foreign commerce to customers located in states and countries outside the place of origin of the shipments. In addition, substantial quantities of equipment and supplies necessary to the production and distribution of such polyurethane flexible slab stock automotive foam, as well as payments for the foam, traveled in interstate and foreign trade and commerce.

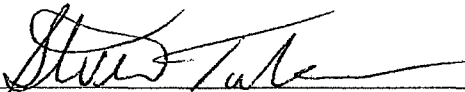
14. During the relevant period, the business activities of the defendants and their co-conspirators in connection with the production and sale of polyurethane flexible slab stock automotive foam were within the flow of, and substantially affected, interstate, and foreign trade and commerce.

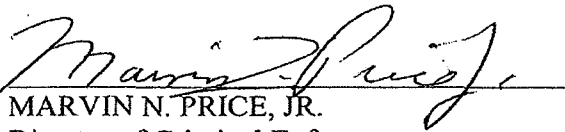
ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.


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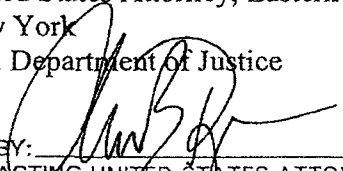

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