

March 23, 2010

**ACPERA Case Examples from
the Committee to Support the Antitrust Laws (COSAL)**

1. In re Air Cargo Antitrust Litigation, 06-MD-1775 (JG)(VVP), MDL No. 1775 (E.D.N.Y.)

Amnesty Applicant:
Lufthansa AG

Lufthansa cooperation was tied to settlement. First phase of detailed cooperation occurred approximately 12 months after filing of Consolidated Amended Complaint.

Criminal Guilty Pleas & Fines:

	Date
LAN Cargo, S.A.	01/22/09: Agreed to plead guilty
ABSA	01/22/09: Agreed to plead guilty
El Al	01/22/09: Agreed to plead guilty
SAS Cargo Group A/S	06/26/08: Agreed to plead guilty
Japan Airlines International Co. Ltd.	05/07/08: Pled guilty
Qantas	01/14/08: Pled guilty
British Airways Plc	08/23/07: Pled guilty
Korean Air Lines Co. Ltd.	08/23/07: Pled guilty
Air France	06/26/08: Agreed to plead guilty
KLM	06/26/08: Agreed to plead guilty
Cathy Pacific Airways Limited	06/26/08: Agreed to plead guilty
Martinair Holland N.V.	06/26/08: Agreed to plead guilty
Kenneth Packer (BA employee)	09/30/08: Agreed to plead guilty
Bruce McCaffrey (SAS employee)	05/15/08: Pled guilty
Timothy Pfeil (SAS employee)	07/28/08: Agreed to plead guilty
Frank de Jong (Martin Employee)	08/29/09: Agreed to plead guilty
Asiana	04/09: Pled guilty
Cargolux	04/09: Pled guilty
Nippon Cargo	04/09: Pled guilty

Civil Settlements

Lufthansa AG

\$85,000,000 (Settlement included Cooperation)

2. In re Dynamic Random Access Memory (DRAM) Antitrust Litigation, No. M-02-1486-PJH, MDL No. 1486 (N.D. Cal.)

Amnesty Applicant:

Micron

Micron did not provide prompt or complete cooperation. Micron joined in motions to dismiss actions by both private plaintiffs and the states. Its limited cooperation was in response to contention interrogatories. Key witness who obtained amnesty and provided information to DOJ invoked the Fifth Amendment at deposition.

Criminal Guilty Pleas & Fines:

Samsung
Hynix
Infineon
Elpida

Date

11/05: Pled guilty
05/05: Pled guilty
10/04: Pled guilty
01/30/06: Agreed to plead guilty

Civil Settlements (Direct purchaser)

Micron	\$90,537,000	(settlement approved by MDL Court)
Hynix	\$73,000,000	(settlement approved by MDL Court)
Samsung	\$67,000,000	(settlement approved by MDL Court)
NEC	\$35,960,000	(settlement approved by MDL Court)
Infineon	\$20,750,000	(settlement approved by MDL Court)
Mosel Vitelic	\$15,000,000	(settlement approved by MDL Court)
Elpida	\$14,750,000	(settlement approved by MDL Court)
Nanya	\$7,000,000	(settlement approved by MDL Court)
Winbond	\$2,000,000	(settlement approved by MDL Court)

Civil Settlements (Indirect Purchaser)

Samsung	\$90,000,000	(settlement not yet approved by MDL Court)
Winbond	\$2,000,000	(settlement not yet approved by MDL Court)

3. In re TFT-LCD (Flat Panel) Antitrust Litigation, No. M07-1827SI, MDL No. 1827 (N.D. Cal.)

Amnesty Applicant:

Unknown

No cooperation provided by amnesty applicant. Motion to dismiss filed by all defendants for failure to state a claim.

Criminal Guilty Pleas & Fines:

LG Display Co.

Sharp Corp.

Chunghwa Picture Tubes Ltd.

Hitachi

Chieng-Hon "Frank" Lin (Chunghwa)

Chih-Chun "C.C." Lin (Chunghwa)

Hsueh-Lung "Brian" Lee (Chunghwa)

Chang Suk "C;.S." Chung (LG)

Epson Imaging

Chi Mei Optoelectronics

Date

12/15/08: Pled guilty

12/16/08: Pled guilty

01/14/09: Pled guilty

03/10/09: Agreed to plead guilty

02/09: Pled guilty

02/09: Pled guilty

02/09: Pled guilty

02/09: Pled guilty

08/25/09: Agreed to plead guilty

12/09/09: Agreed to plead guilty

Civil Settlements

Chunghwa Picture Tubes Ltd.

\$10,000,000

01/04/10: Announced

4. In re: Ethylene Propylene Diene Monomer (EPDM) Antitrust Litigation, Case No. 3:03MD1542 (PCD), MDL No. 1542 (D. Conn.)

Amnesty Applicant:
Crompton Corp.

Crompton cooperation was not prompt. Crompton employee with amnesty refused to testify and invoked the Fifth Amendment. Settlement with Crompton executed approximately 38 months after filing of First Consolidated Complaint.

Criminal Guilty Pleas & Fines:
None - Investigation dropped

Date

Civil Settlements

Dupont Dow Elastomers
Bayer
Crompton Corp.

01/14/05
04/19/06
01/22/07

5. In re Sulfuric Acid Antitrust Litigation, Case No. 03-C-4576, MDL No. 1536 (N.D.III.)

Amnesty Applicant:

Marsulex, Inc. & ChemTrade

Cooperation provided before settlement under unusual circumstances. Cooperating defendant Marsulex purchased business from Trelleborg AB after alleged anticompetitive conduct. Once Marsulex learned of illegal conduct and government investigation, it brought action against Trelleborg for \$40,000,000.

Criminal Guilty Pleas & Fines:

None, investigation dropped

Date

Civil Settlements

Marsulex, Inc. & ChemTrade

\$1,125,000

6. In re Hydrogen Peroxide Antitrust Litigation, Civil No. 05-666, MDL No. 1682 (E.D.Pa.)

Amnesty Applicant:

Degussa

Degussa filed a motion to dismiss the case. Full cooperation by Degussa was tied to settlement. Settlement with Degussa executed approximately 31 months after filing of First Consolidated Complaint. First witness interview took place October, 2007.

Criminal Guilty Pleas & Fines:

Solvay S.A.

Akzo Nobel Chemicals B.V.

Date

2006

2006

Civil Settlements

Degussa

\$21,000,000

11/16/07

Akzo

\$23,380,000

04/29/08

Kemira Oyj & Kemira Canada

\$5,000,000

05/13/08

Solvay

\$38,003,080 (after \$8 million reduction)

07/23/08

7. In re Municipal Derivatives Antitrust Litigation, Civil Action No. 1:08-01958, MDL No. 1950 (E.D.N.Y.)

Amnesty Applicant:

Bank of America

Cooperation tied to settlement

Criminal Guilty Pleas & Fines:

Date

Daniel Moshe Naeh

02/25/10

Matthew Adam Rothman

03/21/10

Douglas Alan Goldberg

03/15/10

Indicted

Rubin Chambers

10/29/09

Dunhill Insurance Services, Inc.

10/29/09

David Rubin

10/29/09

Zevi Wolmark, aka Stewart Wolmark

10/29/09

Evan Andrew Zarefsky

10/29/09

Civil Settlements

Limited settlement with Bank of America for cooperation in exchange for limited liability

8. In re Parcel Tankers Shipping Services Antitrust Litigation, No. Civ. 303CV1919AVC, 303MD1568AVC, MDL No. 1568 (D. Conn.)

Amnesty Applicant:
Stolt-Nielson

Parties are continuing to litigate.

Criminal Guilty Pleas & Fines:
Jo Tanker BV
Odfjell

Date
2004

Civil Settlements
None

9. In re Marine Hoses Antitrust Litigation, MDL No. 1888 (S.D.Fla.)

Amnesty Applicant:

Yokohama Rubber Co.

Cooperation tied to settlement. Settlement executed approximately 2 months after First Consolidated Complaint filed.

Criminal Guilty Pleas & Fines:

	Date
Dunlop Oil & Marine Ltd.	12/01/08 (Agreed to plead guilty)
Manuli Rubber Industries SpA	12/05/08 (Pled guilty)
Misao Hioki (Bridgestone)	12/10/08
Bryan Allison (Dunlop Oil & Marine)	12/2007
David Brammar (Dunlop Oil & Marine)	12/2007
Peter Whittle (Dunlop Oil & Marine)	12/2007
Uwe Bangert (Dunlop parent Phoenix AG)	07/19/07 (indicted, no trial date set)
Robert L. Furness (Manuli)	
Charles J. Gillespie (Manuli)	
Christian Caleca (Trelleborg Industrie)	12/2007
Jacques Cognard (Trelleborg Industrie)	12/2007
Giovanni Scodeggio (Parker ITR S.r.l.)	08/2008
Trelleborg AB (subs)	04/20/09 (Agreed to plead guilty)
Parker (9 other individuals pled guilty)	02/16/10 (Agreed to plead guilty)

Civil Settlements

Dunlop & Marine Ltd.	\$6,500,000	07/11/08
Trelleborg	\$1,874,000	
Yokohama	\$1,950,000	
Parker	\$2,900,000	
Bridgestone	\$8,500,000	

10. In re International Air Transportation Surcharge Antitrust Litigation, Case No. M:06-cv-01793-CRB, MDL No. 1793 (N.D.Cal.)

Amnesty Applicant:
Virgin Atlantic

Cooperation tied to settlement. Settlement with Virgin Atlantic executed approximately 7 months after filing of First Consolidated Complaint.

Criminal Guilty Pleas & Fines:
British Airways

Date
08/23/07 (Plea Agreement filed)

Civil Settlements

Virgin Atlantic	\$12,635,868
British Airways	\$46,371,405

02/15/08
02/15/08

11. In re Plastics Additives Antitrust Litigation, 03-CV-2038 (E.D. Pa.)(LDD)

Amnesty Applicant:

Crompton Corporation

Cooperation tied to settlement. Settlement agreement executed approximately 11 months after the filing of the Consolidated Amended Complaint.

Criminal Guilty Pleas

Date

None.

Civil Settlements

Crompton Corporation	\$5,000,000	08/11/04
Kreha	\$5,000,000	11/02/05
Baerlocher	\$5,500,000	08/11/06
Akzo Nobel/Akcros Chemicals	\$14,900,000	12/06/06
Ferro Corporation	\$5,500,000	07/19/07
Mitsubishi Rayon	\$5,000,000	01/08/08

12.