

CANADA

PROVINCE OF/DE L' ONTARIO
TORONTO REGION
RÉGION de TORONTO

HER MAJESTY THE QUEEN
SA MAJESTÉ LA REINE

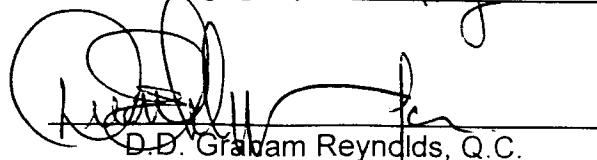
AGAINST
CONTRE

MORGANITE CANADA CORPORATION

THE ACCUSED STANDS CHARGED:
L'ACCUSATION SUIVANTE EST PORTÉE:

THAT it did, between approximately 1995 and continuing until at least 1998, contravene subsection 46(1) of the *Competition Act* R.S., 1985, c. C-34 as amended, implement an instruction, intimation of policy or other communication from Morganite Electrical Carbon Limited, a person in a country other than Canada that was in a position to directly or indirectly influence the policies of Morganite Canada Corporation, which communications were made with the purpose of giving effect to a conspiracy, combination, agreement or arrangement entered into outside of Canada between Morganite Electrical Carbon Limited, Carbor Ltd., Lorraine SA, Schunk GmbH and Hoffman & Co Elektrokohle to unlawfully combine, agree or arrange with, the one with the other or others of them, to prevent or lessen unduly, competition in the production, manufacture, sale or supply of a product, namely carbon transit brushes and current collectors used in municipal transit vehicles in Canada and elsewhere contrary to paragraph 45(1)(c) of the *Competition Act* R.S., 1985, c. C-34 as amended, without knowledge of the conspiracy, combination, agreement, or arrangement.

DATED at Ottawa, Ontario, this 26th day of May, 2004.



D.D. Graham Reynolds, Q.C.

For the Attorney General of Canada

I hereby consent to the preferring of this indictment pursuant to section 577 of the *Criminal Code*.

DATED at Ottawa, Ontario this 27th day of May 2004.

Morris Rosenberg

Morris Rosenberg
Deputy Attorney General of Canada