

IN THE FEDERAL COURT OF CANADA

BETWEEN

HER MAJESTY THE QUEEN

- and -

ROBERT J. HART

Accused

INDICTMENT

THE ACCUSED, Robert J. Hart, stands charged:

THAT HE DID, between approximately May, 1992, and June, 1997, the exact dates being unknown, in Canada and elsewhere, with SGL Carbon Aktiengesellschaft, Tokai Carbon Co. Ltd., Nippon Carbon Co. Ltd., SEC Corporation, and Mitsubishi Corporation commit an offence contrary to section 45(1)(c) of the *Competition Act*, R.S. 1985, c.C-34, as amended, in that the said SGL Carbon Aktiengesellschaft, Tokai Carbon Co. Ltd., Nippon Carbon Co. Ltd., SEC Corporation, Mitsubishi Corporation and Robert J. Hart did unlawfully conspire, combine, agree or arrange with, the one with the other or others of them, together with a person or persons known and unknown, to prevent or lessen, unduly, competition in the production, manufacture, purchase, barter, sale, storage, rental, transportation or supply of a product, namely graphite electrodes in Canada, contrary to paragraph 45(1)(c) of the *Competition Act*, R.S. 1985, c. C-34.

Dated at Gatineau, Quebec this 2nd day of February, 2005.



Lorne Ptack, Counsel for the
Attorney General of Canada

I hereby consent to the preferment of this Indictment pursuant to section 577 of the *Criminal Code of Canada*, R.S.C. 1985, c. C-46.

Dated at Ottawa, Ontario this 11th day of February 2005.



John H. Sims

Deputy Attorney General of Canada

Court File No. T -

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(AT TORONTO)

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INDICTMENT

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