

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,
V.

CHRISTOPHER LISCHEWSKI

CR18

0203

FILED

MAY 16 2018

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RS

DEFENDANT(S).

INDICTMENT

VIOLATION: 15 U.S.C. § 1 – Price Fixing

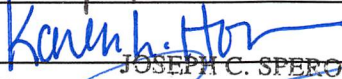
A true bill.



Foreman

Filed in open court this 16 day of

May, 2018



KAREN L. HOM

JOSEPH C. SPERO
UNITED STATES MAGISTRATE JUDGE

Clerk

Bail, \$ Summons due 5/29/2018

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

Count One: 15 U.S.C. §1 - Price Fixing (Count 1)

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY:

See attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

Christopher Lischewski

CR18 0203 FILED
 MAY 16 2018
 U.S. DISTRICT COURT NUMBER
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form Leslie A. Wulff, DOJ-Antitrust
☐ U.S. Attorney ☒ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

IS NOT IN CUSTODY
 Has not been arrested, pending outcome of this proceeding
 1) ☒ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

Defendant Address:

 C/O Ben Hur Esq., Keker, Van Nest & Peters
 633 Battery Street, San Francisco, CA 94111-1809

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

 Date/Time: May 29, 2018 9:30 AM Before Judge: Joseph C. Spero

Comments:

PENALTY SHEET

Individual: **Christopher Lischewski**

15 U.S.C. § 1 – Price Fixing (Count 1)

Maximum Penalties:

1. A term of imprisonment of 10 years
2. A fine of \$1 million
3. A period of supervised release of not more than 3 years
4. \$100 special assessment per count (\$100)
5. Restitution

FILED

MAY 16 2018

**SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

RS

CR18

0203

1 LESLIE A. WULFF (CSBN 277979)
2 MANISH KUMAR (CSBN 269493)
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FILED
MAY 16 2018
SUSAN Y. SOONG
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NORTHERN DISTRICT OF CALIFORNIA

RS

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA

17 v.

18 CHRISTOPHER LISCHEWSKI,
19 Defendant.

CR18

0203

VIOLATION: 15 U.S.C. § 1
Price Fixing

20
21 INDICTMENT

22 The Grand Jury charges that:

23 I. INTRODUCTION

24 At all times relevant to this Indictment, unless otherwise indicated:

- 25 1. Packaged seafood consists of shelf-stable tuna fish that is sold in cans and is
26 manufactured in a broad range of sizes and specifications.
- 27 2. Bumble Bee Foods, LLC ("Bumble Bee"), was a limited liability company
28 incorporated in Delaware with its principal place of business in San Diego, California.

1 Bumble Bee manufactured, supplied, and sold packaged seafood to customers in the United
2 States.

3 3. Defendant CHRISTOPHER LISCHEWSKI was the President and Chief
4 Executive Officer of Bumble Bee.

5 4. Whenever in this Indictment reference is made to any act, deed, or transaction
6 of any corporation, the allegation means that the corporation engaged in the act, deed, or
7 transaction by or through its officers, directors, employees, agents, or other representatives
8 while they were actively engaged in the management, direction, control, or transaction of its
9 business or affairs.

10 II. DESCRIPTION OF THE OFFENSE

11 5. The factual allegations in Paragraphs 1 through 4 are re-alleged and incorporated
12 by reference.

13 6. CHRISTOPHER LISCHEWSKI is hereby indicted and made a defendant on the
14 charge contained in this Indictment.

15 7. Beginning in or about November 2010 and continuing until in or about
16 December 2013, the exact dates being unknown to the Grand Jury, in the Northern District of
17 California and elsewhere, the defendant and coconspirators knowingly entered into and
18 engaged in a combination and conspiracy to suppress and eliminate competition by fixing
19 prices for packaged seafood sold in the United States. The combination and conspiracy
20 engaged in by the defendant and coconspirators was an unreasonable restraint of interstate
21 commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1). The defendant
22 knowingly joined and participated in the charged conspiracy beginning in or about November
23 2010 and continuing until in or about December 2013.

24 8. The charged combination and conspiracy consisted of a continuing agreement,
25 understanding, and concert of action among the defendant and coconspirators, the substantial
26 terms of which were to fix and maintain prices of packaged seafood sold in the United States.

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1 9. Various corporations and individuals, not made defendants in this Indictment,
2 participated as coconspirators in the offense charged herein and performed acts and made
3 statements in furtherance thereof.

4 III. MEANS AND METHODS OF THE CONSPIRACY

5 10. For the purpose of forming and carrying out the charged combination and
6 conspiracy, the defendant and coconspirators did those things that they combined and
7 conspired to do, and authorized, ordered, and consented to the participation of subordinate
8 employees in those things that they combined and conspired to do, including, among other
9 things:

- 10 a) participated in meetings, conversations, and communications concerning
- 11 prices of packaged seafood to be sold in the United States;
- 12 b) agreed during those meetings, conversations, and communications on
- 13 prices for packaged seafood sold in the United States;
- 14 c) agreed during those meetings, conversations, and communications to limit
- 15 and restrict competition between the conspirators as to certain types and
- 16 categories of products, including, but not limited to, competition for
- 17 products based on certain types of fishing methods;
- 18 d) collected, exchanged, monitored, and discussed information on prices,
- 19 sales, supply, demand, and the production of packaged seafood for the
- 20 purpose of reaching agreements on prices and monitoring and enforcing
- 21 adherence to the agreements reached;
- 22 e) issued price announcements and pricing guidance for packaged seafood in
- 23 accordance with the agreements reached;
- 24 f) sold packaged seafood in the United States at collusive and
- 25 noncompetitive prices;
- 26 g) accepted payments for packaged seafood sold in the United States at
- 27 collusive and noncompetitive prices; and

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1 h) employed measures to conceal their conduct, including, but not limited to,
2 using code when referring to coconspirators, meeting at offsite locations to
3 avoid detection, limiting distribution and discouraging retention of
4 documents reflecting conspiratorial contacts, and providing misleading
5 justifications for prices.

6 IV. TRADE AND COMMERCE

7 11. During the period covered by this Indictment, the defendant and coconspirators
8 sold and distributed substantial quantities of packaged seafood in a continuous and
9 uninterrupted flow of interstate trade and commerce to customers located in states or countries
10 other than states or countries in which the packaged seafood was produced. In addition,
11 substantial quantities of equipment and supplies necessary to the production and distribution
12 of packaged seafood, as well as substantial payments by customers for packaged seafood sold
13 by defendant and coconspirators, traveled in interstate trade and commerce.

14 12. During the period covered by this Indictment, the business activities of the
15 defendant and coconspirators, their corporate employers, and other coconspirators in
16 connection with the sale of packaged seafood that is the subject of this Indictment were within
17 the flow of, and substantially affected, interstate trade and commerce within the United States.

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

Dated: May 16, 2018

A TRUE BILL




MAKAN DELRAHIM

Assistant Attorney General




FOREPERSON




BERNARD A. NIGRO, JR.
Deputy Assistant Attorney General



E. KATE PATCHEN
Chief, San Francisco Office




MARVIN N. PRICE, JR.
Acting Deputy Assistant Attorney General

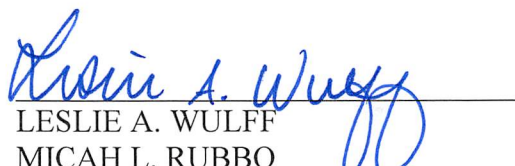


MANISH KUMAR
Assistant Chief, San Francisco Office

Antitrust Division
United States Department of Justice



ALEX G. TSE
Acting United States Attorney
Northern District of California



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