

UNITED STATES DISTRICT COURT

SOUTHERN

District of

INDIANA

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE  
(For Organizational Defendants)

Irving Materials, Inc.

CASE NUMBER: 1:05CR00094-001

Susan B. Rivas and John J. Thar

Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

pleaded guilty to count(s) 1

pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The organizational defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
15 U.S.C. § 1	Violation of the Sherman Act (Price Fixing)	05/24/2004	1

The defendant organization is sentenced as provided in pages 2 through 3 of this judgment.

The defendant organization has been found not guilty on count(s) \_\_\_\_\_

Count(s) \_\_\_\_\_  is  are dismissed on the motion of the United States.

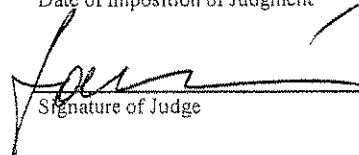
It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's  
Federal Employer I.D. No.: 35-0817664

Defendant Organization's Principal Business Address:  
8032 N. State Road 9  
Greenfield, IN 46140

Defendant Organization's Mailing Address:  
32 N. State Road 9  
Greenfield, IN 46140

06/29/2005  
Date of Imposition of Judgment

  
Signature of Judge

The Honorable Larry J. McKinney, Chief U.S. District Court Judge  
Name and Title of Judge

July 5, 2005  
Date

DBV 39 PG 144

DEFENDANT ORGANIZATION: Irving Materials, Inc.  
 CASE NUMBER: 1:05CR00094-001

**CRIMINAL MONETARY PENALTIES**

The defendant organization must pay the following total criminal monetary penalties under the schedule of payments on Sheet 4.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 400.00	\$ 29,200,000.00	\$

- The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant organization shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(I), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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<b>TOTALS</b>	\$ _____	\$ _____	
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- Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- The defendant organization shall pay interest on restitution or a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 4 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:
  - the interest requirement is waived for the  fine  restitution.
  - the interest requirement for the  fine  restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT ORGANIZATION: Irving Materials, Inc.  
CASE NUMBER: 1:05CR00094-001

SCHEDULE OF PAYMENTS

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due
  - not later than \_\_\_\_\_, or
  - in accordance with  C or  D below; or
- B  Payment to begin immediately (may be combined with  C or  D below); or
- C  Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or

D  Special instructions regarding the payment of criminal monetary penalties:  
 \$5.2 million plus interest due within 30 days of sentencing.  
 \$4.8 million plus interest due on 6/29/06; 6/29/07; 6/29/08; 6/29/09; and 6/29/10.  
 The defendant corporation shall have the option at any time before the five year anniversary of prepaying the remaining balance plus any accrued interest then owing on the fine.

All criminal monetary penalties are made to the clerk of the court.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

UNITED STATES DISTRICT COURT  
 Southern District of Indiana  
 I, the undersigned Clerk of the Court, do hereby certify that this is a true, correct and full copy of the original Judgment and Criminal Case on file in my custody.  
 Cause No. 1:05CR00094-001  
 Dated July 27, 2007  
 Laura A. Briggs, Clerk  
 by Ashley Boller, Deputy Clerk  
 3 # of pages (text)  
 1 # of pages (exhibits)

- The defendant organization shall pay the cost of prosecution.
- The defendant organization shall pay the following court cost(s):
- The defendant organization shall forfeit the defendant organization's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.