

U.S. Department of Justice

Antitrust Division

New York Field Office

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January 29, 2016

Via ECF

The Honorable James Orenstein U.S. Magistrate Judge Eastern District of New York 225 Cadman Plaza East Brooklyn, New York 11201

Filed Under Seal

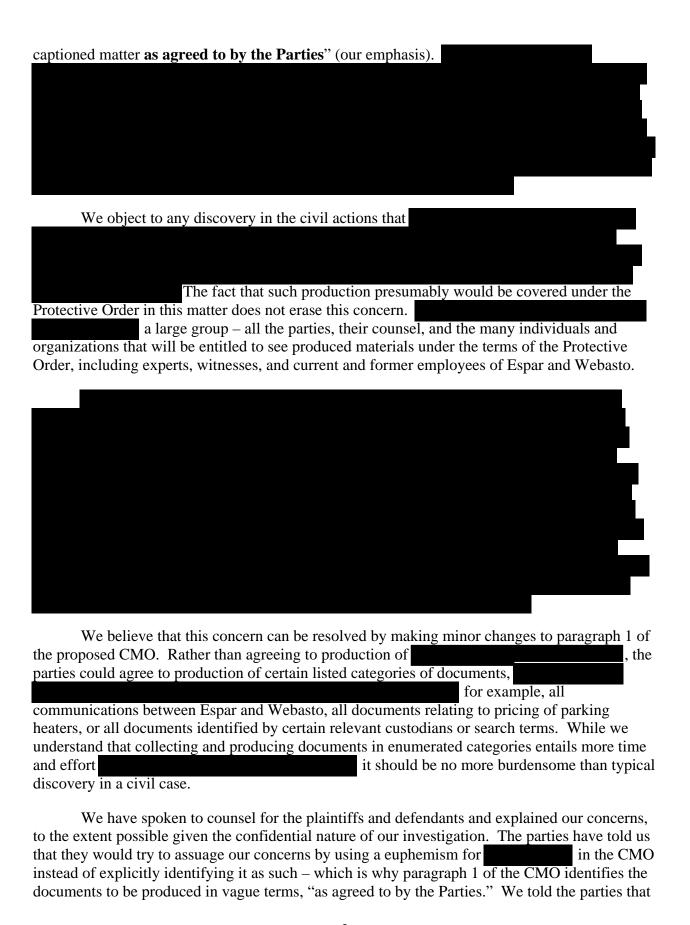
Re: <u>In re Parking Heaters Antitrust Litigation</u> No. 15-MC-940 (JG) (JO)

Dear Judge Orenstein:

We represent the United States, which is investigating price-fixing in the parking heater industry in violation of the Sherman Act. That investigation has resulted in several prosecutions, including a guilty plea by Espar, Inc. (<u>U.S. v. Espar, Inc.</u>, No. 1:15-cr-00028-JG (EDNY)), and, more recently, indictments of three individuals – Frank Haeusler, Volker Hohensee, and Harald Sailer – who have been charged as members of the same price-fixing conspiracy (<u>U.S. v. Haeusler et al</u>, No. 5:15-cr-20784-JCO-APP (E.D. Mich.)). As Your Honor is aware, the subject matter of the government's investigation overlaps substantially with that of the civil actions consolidated in <u>In re Parking Heaters Antitrust Litigation</u> ("the civil actions"). We appreciate the opportunity to submit this letter to Your Honor to address our concerns regarding the Proposed Case Management Order ("CMO") submitted in the civil actions. Because this letter reveals non-public details about the United States' investigation and prosecutions, we have submitted it under seal, and we appreciate the Court keeping this letter *in camera*.

While the United States has no objection to early document production beginning in the civil actions, we believe that a minor change to the parties' proposed CMO is required to avoid potential prejudice to our ongoing investigation and prosecutions.

The first paragraph of the proposed CMO states that the defendants "shall produce to Plaintiffs documents for the period October 1, 2007 to December 31, 2014 relating to the above-



was not sufficient.	Whether or not	the CMO	or any other	written d	ocument		
			then our	concern	remains.	Our concern	n is one
of substance not f	orm						

We appreciate the opportunity to be heard. Please contact us if you have questions or wish to hear further from us on this issue.

Sincerely,

Carrie A. Syme
Trial Attorney
Antitrust Division, NY Office

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