

**FILED**

JUN 24 2010

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY *[Signature]*  
DEPUTY CLERK

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20 IN THE UNITED STATES DISTRICT COURT  
21 FOR THE EASTERN DISTRICT OF CALIFORNIA

22 2:10-CR-0238-EM

23 UNITED STATES OF AMERICA, ) No.  
24 )  
25 Plaintiff, ) VIOLATION: 15 U.S.C. § 1 - Bid  
26 ) Rigging  
27 v. )  
28 THEODORE B. HUTZ )  
29 Defendant. )

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31 **INFORMATION**

32 The United States Attorney charges

33 THEODORE B. HUTZ

34 defendant herein, as follows:

35 1. Beginning in or about February 2009 and continuing until in or  
36 about October 2009, the defendant THEODORE B. HUTZ and co-

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1 conspirators entered into and engaged in a combination and  
2 conspiracy to suppress and restrain competition by rigging bids to  
3 obtain selected real estate offered at San Joaquin County,  
4 California public real estate auctions in the Eastern District of  
5 California, in unreasonable restraint of interstate trade and  
6 commerce, in violation of the Sherman Act, Title 15, United States  
7 Code, Section 1.

8       2. The charged combination and conspiracy consisted of a  
9 continuing agreement, understanding, and concert of action among the  
10 defendant and coconspirators, the substantial terms of which were:

11           a. to suppress competition by agreeing to refrain from  
12 full competitive bidding against each other to obtain selected real  
13 estate offered at San Joaquin County, California public real estate  
14 auctions;

15           b. to make payoffs to one another in return for  
16 suppressing competition for the selected real estate offered at the  
17 public real estate auctions; and

18           c. to obtain title to real estate sold at  
19 noncompetitive, rigged prices.

20       3. For the purpose of forming and carrying out the charged  
21 combination and conspiracy, the defendant and co-conspirators did  
22 those things that they combined and conspired to do, including,  
23 among other things:

24           a. agreeing, during meetings, conversations, and  
25 communications, to rig bids to obtain selected real estate offered

1 at San Joaquin County, California public real estate auctions;

2           b. designating, in various ways, which conspirator would  
3 bid for the selected real estate at the public real estate auctions  
4 for the group of conspirators;

5           c. bidding at noncompetitive amounts or refraining from  
6 bidding for the selected real estate at the public real estate  
7 auctions;

8           d. in many instances, holding private auctions, open  
9 only to members of the conspiracy, to rebid for the selected real  
10 estate obtained at the public real estate auctions;

11           e. awarding properties to the conspirators who submitted  
12 the highest bids at the private auctions; and

13           f. distributing the proceeds of the private auctions as  
14 payoffs, based upon a predetermined formula agreed upon by the  
15 members of the conspiracy.

16           4. Various corporations and individuals, not made defendants  
17 in this Information, participated as coconspirators in the offense  
18 charged in this Information and performed acts and made statements  
19 in furtherance of it.

20           5. During the period covered by this Information, the business  
21 activities of the defendant and coconspirators that are the subject  
22 of this Information were within the flow of, and substantially  
23 affected, interstate trade and commerce. For example, mortgage  
24 holders located in states other than California held mortgages,  
25 appointed trustees, and received proceeds from the public auctions

1 that were subject to the bid-rigging agreement.

2 All in violation of Title 15, United States Code, Section 1.

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4 Dated:

Respectfully Submitted,

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Benjamin B. Wagner  
United States Attorney

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By: /s/ ROBIN R. TAYLOR  
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By: /s/ BARBARA J. NELSON

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