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JAMES BONINI  
CLERK

UNITED STATES DISTRICT COURT

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SOUTHERN

District of

OHIO

UNITED STATES OF AMERICA  
V.

JUDGMENT IN A CRIMINAL CASE  
(For Organizational Defendants)

ARCTIC GLACIER INTERNATIONAL, INC.

CASE NUMBER: CR-1-09-149

John M. Majoras, Esq.  
Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

- pleaded guilty to count(s) One of the Information
- 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	Conspiracy to Restrain Trade	July 17, 2007	One

The defendant organization is sentenced as provided in pages 2 through 5 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. \_\_\_\_\_

Defendant Organization's Principal Business Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant Organization's Mailing Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

February 11, 2010  
Date of Imposition of Judgment

*Herman J. Weber*  
Signature of Judge

Herman J. Weber, Senior U.S. District Court Judge  
Name and Title of Judge

This is Exhibit "L" referred to in the  
Affidavit of Reith McMahon  
Date 3/10/10

SWORN before me this 21st day  
of February, A.D. 2010

A Commissioner for Oaths / Notary Public  
in and for the Province of Manitoba  
My Commission expires:

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### PROBATION

The defendant organization is hereby sentenced to probation for a term of :

**FIVE (5) YEARS**

The defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it is a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

### STANDARD CONDITIONS OF SUPERVISION

- 1) The defendant organization shall not commit another federal, state, or local crime;
- 2) The defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) The defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) The defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) The defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successor or assignees; and
- 6) The defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

DEFENDANT  
CASE

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### ADDITIONAL PROBATION TERMS

- 1) The defendant shall continue to publicize the nature of the offense committed, the fact of conviction, the nature of the punishment imposed, and the steps that will be taken to prevent the recurrence of similar offenses.
- 2) Within 30 days, the defendant shall notify the probation officer upon learning of (A) any material adverse change in its business or financial condition or prospects, or (B) the commencement of any bankruptcy proceeding, major civil litigation, criminal prosecution, or administrative proceeding against the organization, or any investigation or formal inquiry by governmental authorities regarding the organization.
- 3) The defendant shall make periodic payments, as established by the plea agreement as follows:  
Within thirty (30) days of imposition of sentence – \$1 million (plus any accrued interest); at the one-year anniversary of imposition of sentence (“anniversary”) – \$1 million (plus any accrued interest); at the two-year anniversary – \$1.5 million (plus any accrued interest); at the three-year anniversary – \$1.5 million (plus any accrued interest); at the four-year anniversary – \$1.5 million (plus any accrued interest); and at the five-year anniversary \$2.5 million (plus any accrued interest); provided, however, that the defendant shall have the option at any time before the five-year anniversary of prepaying any part of the remaining balance (plus any accrued interest) then owing on the fine.
- 4) The defendant has represented to the Court it has in effect a compliance and ethics program consistent with § 8B2.1 (Effective Compliance and Ethics Program). The defendant shall comply with its plan and make periodic reports to the probation officer as directed by the probation officer regarding the organization's progress in its efforts to remedy the harm caused by the offense and to eliminate or reduce the risk that the instant offense will cause future harm.
- 5) The defendant shall continue to notify its employees and shareholders of its criminal behavior and its program.
- 6) Within 30 days, the defendant shall report to the Probation Officer any criminal prosecution, civil litigation, or administrative proceeding commenced against the organization, or any investigation or formal inquiry by governmental authorities of which the organization learns.
- 7) The defendant shall continue to cooperate with the government as it has agreed in the Plea Agreement.
- 8) The defendant shall appoint a corporate representative in Minnesota to report to the Probation Office on behalf of the corporation and be the primary contact with the probation officer.

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**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	\$ 9,000,000.00	\$

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:

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### 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 \$ 400.00 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:

Within thirty (30) days of imposition of sentence — \$1 million (plus any accrued interest); at the one-year anniversary of imposition of sentence ("anniversary") — \$1 million (plus any accrued interest); at the two-year anniversary — \$1.5 million (plus any accrued interest); at the three-year anniversary — \$1.5 million (plus any accrued interest); at the four-year anniversary — \$1.5 million (plus any accrued interest); and at the five-year anniversary \$2.5 million (plus any accrued interest); defendant shall have the option at any time before the five-year anniversary of prepaying any part of the remaining balance.

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.

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.