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In Brief

Feds won't retry price-fixing case

Hynix sales executive Gary Swanson can now officially boast to have fought the law and won.

Federal antitrust prosecutors told Judge Phyllis Hamilton on Wednesday that they would not retry Swanson for allegedly fixing prices in the DRAM computer memory market. Earlier this month, jurors hung 10-2 in favor of acquitting Swanson, with several of them expressing deep distrust of the government's star witness, Micron executive Michael Sadler.

Swanson was the only criminal defendant in the government's wide-ranging DRAM investigation to have taken the case to trial; three of his colleagues at Hynix pleaded guilty and testified against him. One of them, K.C. Suh, took a deal before indictment and received a six-month sentence, plus a \$250,000 fine. The government made a final pretrial offer to Swanson of 15 months, according to Swanson's attorney, John Bartko of Bartko Zankel Tarrant & Miller.

"It's very clear the jury concluded a key part of the government's case was wanting," Bartko said, adding that Sadler was the only witness who testified that Swanson discussed price-fixing.

Lead prosecutor Niall Lynch declined to comment outside the courtroom, though Justice Department spokeswoman Gina Talamona said the decision came after a "thorough review." The government dismissed the indictment with prejudice.

— Dan Levine