

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	Criminal No. 1:CR-95-155
v.)	
)	Filed: June 14, 1995
BEN'S TRUCK PARTS &)	
EQUIPMENT, INC. and)	15 U.S.C. § 1
DONALD L. SOLOMON,)	
)	
Defendants.)	

INFORMATION

The United States of America, acting through its attorneys, charges:

I

DESCRIPTION OF THE OFFENSE

1. Ben's Truck Parts & Equipment, Inc., hereinafter referred to as Ben's, is hereby made a defendant on the charge stated below.

2. Donald L. Solomon is hereby made a defendant on the charge stated below.

3. Beginning at least as early as January 1991 and continuing until at least December 31, 1994, the exact dates being unknown to the United States, defendants Ben's and Donald L. Solomon and others entered into and participated in a combination and conspiracy to suppress and eliminate competition by rigging bids for the purchase of military surplus sold in interstate commerce by the Defense Reutilization and Marketing Office ("DRMO") at auctions located in Mechanicsburg,

Pennsylvania and Chambersburg, Pennsylvania. The combination and conspiracy engaged in by the defendants and co-conspirators in unreasonable restraint of interstate trade and commerce violated Section 1 of the Sherman Act (15 U.S.C. § 1).

4. The charged combination and conspiracy consisted of an agreement, understanding and concert of action among the defendants and co-conspirators, the substantial term of which was to submit collusive, noncompetitive and rigged bids for the purchase of military surplus sold by the DRMO at auctions in Mechanicsburg, Pennsylvania and Chambersburg, Pennsylvania.

5. For the purpose of forming and effectuating the charged conspiracy, the defendants and co-conspirators did those things which they combined and conspired to do.

II

DEFENDANTS AND CO-CONSPIRATORS

6. Ben's is a corporation organized and existing under the laws of Ohio and has its principal place of business in Toledo, Ohio. During the period covered by this information, Ben's was in the business of buying military surplus primarily for resale.

7. During the period covered by this information, Donald L. Solomon was President of Ben's.

8. Various persons and firms, not made defendants herein, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

III

INTERSTATE TRADE AND COMMERCE

9. During the period covered by this information, a substantial quantity of military surplus sold at DRMO auctions in Mechanicsburg, Pennsylvania and Chambersburg, Pennsylvania was transported across state lines to auction sites.

10. During the period covered by this information, potential purchasers, including defendants and co-conspirators, frequently traveled across state lines to attend and bid at DRMO auctions in Mechanicsburg, Pennsylvania and Chambersburg, Pennsylvania at which the DRMO sold military surplus.

11. During the period covered by this information, a substantial quantity of military surplus sold by the DRMO at auctions in Mechanicsburg, Pennsylvania and Chambersburg, Pennsylvania was transported across state lines by or on behalf of the purchasers thereof, including the defendants and co-conspirators.

12. During the period covered by this information, a substantial quantity of military surplus purchased by the defendants and co-conspirators at DRMO auctions in Mechanicsburg, Pennsylvania and Chambersburg, Pennsylvania was resold and shipped to customers across state lines or outside the United States.

13. During the period covered by this information, the activities of the defendants and co-conspirators with respect to the purchase of military surplus sold by the DRMO at auctions in

Mechanicsburg, Pennsylvania and Chambersburg, Pennsylvania were within the flow of, and substantially affected, interstate commerce.

IV

JURISDICTION AND VENUE

14. The combination and conspiracy charged in this information was formed and carried out, in part, within the Middle District of Pennsylvania, within the five years preceding the filing of this information.

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

/s/

ANNE K. BINGAMAN
Assistant Attorney General

/s/

JOHN P. YATSKO, JR.

/s/

GARY R. SPRATLING

/s/

BRADFORD L. GEYER

/s/

ROBERT E. CONNOLLY

Attorneys, Antitrust Division
U.S. Department of Justice

/s/

RICHARD S. ROSENBERG

Attorneys, Antitrust Division
U.S. Department of Justice
Middle Atlantic Office
The Curtis Center, Suite 650W
7th and Walnut Streets
Philadelphia, PA 19106
Tel.: (215) 597-7401

/s/

DAVID M. BARASCH
United States Attorney
Middle District of Pennsylvania