UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	)	Criminal No.: 3-95CR-294-R
	)	
v.	)	Filed: [9/28/95]
	)	
MRS. BAIRD'S BAKERIES, INC. and	)	Violation:
FLOYD CARROLL BAIRD,	)	15 U.S.C. § 1
	)	
Defendants.	)	Judge Buchmeyer

INDICTMENT

The Grand Jury Charges:

COUNT ONE

CONSPIRACY TO RESTRAIN TRADE

(15 U.S.C. § 1)

I.

DESCRIPTION OF THE OFFENSE

1. Mrs. Baird's Bakeries, Inc. and Floyd Carroll Baird are hereby indicted and made defendants in this Count.

2. Beginning at least as early as 1977 and continuing thereafter until at least March 1993, the exact dates being unknown to the Grand Jury, the above-named defendants and others entered into and engaged in a combination and

conspiracy to suppress and restrain competition in the sale of bread and bread

products to customers in East Texas, in unreasonable restraint of interstate trade and commerce in violation of Section One of the Sherman Act (15 U.S.C. § 1).

II.

DEFENDANTS AND CO-CONSPIRATORS

3. Mrs. Baird's Bakeries, Inc. is incorporated and exists under the laws of the State of Texas and has its principal place of business in Fort Worth, Texas. During the period covered by this Count, Mrs. Baird's Bakeries, Inc. was engaged in the manufacture, sale and distribution of bread and bread products in East Texas through its Dallas and Fort Worth bakeries.

4. During the period covered by this Count, Floyd Carroll Baird was an employee and officer of Mrs. Baird's Bakeries, Inc. and was engaged in the manufacture, sale and distribution of bread and bread products in East Texas.

5. Various corporations and individuals, not made defendants in this Count, participated as co-conspirators in the offense charged and performed acts and made statements in furtherance of it.

6. Whenever in this Count reference is made to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

III.

THE CONSPIRACY

7. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendants and co-conspirators, the substantial term of which was to raise, fix, and maintain prices of bread and bread products sold to customers in East Texas.

8. For the purpose of forming and carrying out the charged combination and conspiracy, the defendants and co-conspirators performed the following acts, among others:

(a) discussed prices being charged for bread and bread products sold to customers in East Texas;

(b) agreed to raise, fix, and maintain prices for bread and bread products sold to customers in East Texas; and

(c) raised, fixed, and maintained prices for bread and bread products sold to customers in East Texas.

IV.

INTERSTATE TRADE AND COMMERCE

9. During the period covered by this Count, substantial quantities of ingredients, supplies and equipment used to manufacture, process and package bread

and bread products were purchased by the defendants and co-conspirators from suppliers located outside the State of Texas and transported into the State of Texas.

10. During the period covered by this Count, one or more of the defendants and co-conspirators transported and sold bread and bread products manufactured in the State of Texas to locations outside the State of Texas.

11. The business activities of the defendants and co-conspirators that are the subject of this Count were within the flow of, and substantially affected, interstate trade and commerce.

V.

JURISDICTION AND VENUE

12. The combination and conspiracy charged in this Count was formed and carried out, in part, within the Northern District of Texas, Dallas Division, within the five years preceding the return of this Indictment.

ALL IN VIOLATION OF TITLE 15 U.S.C. § 1.

The Grand Jury Further Charges:

COUNT TWO

CONSPIRACY TO RESTRAIN TRADE

(15 U.S.C. § 1)

I.

DESCRIPTION OF THE OFFENSE

13. Mrs. Baird's Bakeries, Inc. and Floyd Carroll Baird are hereby indicted and made defendants in this Count.

14. Beginning at least as early as 1984 and continuing thereafter until at least June 1992, the exact dates being unknown to the Grand Jury, the above-named defendants and others entered into and engaged in a combination and conspiracy to suppress and restrain competition in the sale of bread and bread products to customers in West Texas, in unreasonable restraint of interstate trade and commerce in violation of Section One of the Sherman Act (15 U.S.C. § 1).

II.

DEFENDANTS AND CO-CONSPIRATORS

15. Mrs. Baird's Bakeries, Inc. is incorporated and exists under the laws of the State of Texas and has its principal place of business in Fort Worth, Texas. During the period covered by this Count, Mrs. Baird's Bakeries, Inc. was engaged in the manufacture, sale and distribution of bread and bread products in West Texas through its Abilene bakery.

16. During the period covered by this Count, Floyd Carroll Baird was an employee and officer of Mrs. Baird's Bakeries, Inc. and was engaged in the manufacture, sale and distribution of bread and bread products in West Texas.

17. Various corporations and individuals, not made defendants in this Count, participated as co-conspirators in the offense charged and performed acts and made statements in furtherance of it.

18. Whenever in this Count reference is made to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

III.

THE CONSPIRACY

19. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendants and co-conspirators, the substantial terms of which were:

(a) to raise, fix, and maintain prices of bread and bread products sold to customers in West Texas; and

(b) to submit collusive, noncompetitive and rigged bids to governmental entities located in West Texas for contracts to supply bread and bread products.

20. For the purpose of forming and carrying out the charged combination and conspiracy, the defendants and co-conspirators performed the following acts, among others:

(a) discussed prices being charged for bread and bread products sold to customers in West Texas;

(b) agreed to raise, fix, and maintain prices for bread and bread products sold to customers in West Texas;

(c) raised, fixed, and maintained prices for bread and bread products sold to customers in West Texas;

(d) discussed the submission of prospective bids on contracts to supply bread and bread products to governmental entities located in West Texas;

(e) designated which corporate co-conspirator would be the low responsive bidder for all or part of the contracts to supply bread and bread products to governmental entities located in West Texas; and

(f) discussed and agreed upon prices to be contained within bids for contracts to supply bread and bread products to governmental entities located in West Texas.

IV.

INTERSTATE TRADE AND COMMERCE

21. During the period covered by this Count, substantial quantities of ingredients, supplies and equipment used to manufacture bread and bread products were purchased by the defendants and co-conspirators from suppliers located outside the State of Texas and transported into the State of Texas.

22. The business activities of the defendants and co-conspirators that are the subject of this Count were within the flow of, and substantially affected, interstate trade and commerce.

V.

JURISDICTION AND VENUE

23. The combination and conspiracy charged in this Count was formed and carried out, in part, within the Northern District of Texas, Dallas Division, within the five years preceding the return of this Indictment.

ALL IN VIOLATION OF TITLE 15 U.S.C. § 1.

DATED this _____ day of _____, 1995.

A TRUE BILL

_____"/s/"_____
FOREPERSON

_____"/s/"_____
ANNE K. BINGAMAN
Assistant Attorney General

_____"/s/"_____
DUNCAN S. CURRIE

_____"/s/"_____
GARY R. SPRATLING
Deputy Assistant Attorney General

_____"/s/"_____
DAVID B. SHAPIRO

_____"/s/"_____
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_____"/s/"_____
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