

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA	)	
	)	Criminal No.: 2003 CR 00114-001
v.	)	
	)	Filed: March 11, 2003
NEW YORK PERIODICAL DISTRIBUTORS, INC.,	)	Violation: 15 U.S.C. § 1
	)	
Defendant.	)	

**INFORMATION**

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

**I**

**DESCRIPTION OF THE OFFENSE**

1. New York Periodical Distributors, Inc. (hereinafter "NYP"), is made a defendant on the charge stated below.
2. Beginning at least as early as the fall of 1998 and continuing until the summer of 2000, the exact dates being unknown to the United States, the defendant and co-conspirators entered into and participated in a combination and conspiracy to suppress and eliminate competition by allocating markets for the wholesale distribution of magazines, other periodicals, and books in Central New York State. The combination and conspiracy engaged in by the defendant and co-conspirators was in unreasonable restraint of interstate trade and commerce in violation of Section 1 of the Sherman Antitrust Act (15 U.S.C. § 1).
3. The combination and conspiracy consisted of a continuing agreement,

understanding, and concert of action among the defendant and co-conspirators, the primary purpose of which was to divide up markets for the wholesale distribution of magazines, other periodicals, and books in Central New York State.

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

a. engaged in discussions about the allocation of markets for the wholesale distribution of magazines, other periodicals, and books in Central New York State;

b. agreed with another wholesale distributor and its affiliates during those discussions to allocate markets for the wholesale distribution of magazines, other periodicals, and books in Central New York State; and

c. exchanged customers for the purpose of implementing the agreed upon allocation of markets for the wholesale distribution of magazines, other periodicals, and books in Central New York State.

## II

### **DEFENDANT AND CO-CONSPIRATORS**

5. During the period covered by this Information, NYP was a corporation organized and existing under the laws of the State of New York with its principal place of business in Massena, New York. During the relevant time period, NYP was a wholesale distributor of magazines, other periodicals, and books in Central New York State.

6. Various corporations and individuals, not made defendants in this Information, participated as co-conspirators in the charged combination and conspiracy and performed acts and made statements in furtherance of it.

7. Wherever this Information refers to any act, deed, or transaction of any corporation, it 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**

#### **TRADE AND COMMERCE**

8. Wholesale distributors receive magazines, other periodicals, and books directly from publishers and national distributors, and then distribute them to retailers for sale to the general public.

9. During the period covered by this Information, magazines, other periodicals, and books distributed by one or more of the conspirator firms, and equipment and supplies necessary for such distribution, as well as payments for the items and for their distribution, traveled in interstate commerce.

10. During the period covered by this Information, the activities of the defendant and co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

IV

JURISDICTION AND VENUE

11. The combination and conspiracy charged in this Information was carried out, in part, in the Northern District of New York within the five years preceding the filing of this Information.

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

Dated:

\_\_\_\_\_/s'/\_\_\_\_\_  
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Acting Assistant Attorney General

\_\_\_\_\_/s'/\_\_\_\_\_  
JAMES M. GRIFFIN  
Deputy Assistant Attorney General

\_\_\_\_\_/s'/\_\_\_\_\_  
SCOTT D. HAMMOND  
Director of Criminal Enforcement

\_\_\_\_\_/s'/\_\_\_\_\_  
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For ATB /s'/\_\_\_\_\_  
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