



Department of Justice

November 2, 1992

**SUMMARY OF ANTITRUST ENFORCEMENT ACTIONS
FOR PUBLIC RELEASE
FOR MONDAY, OCT. 26, 1992 THROUGH FRIDAY, OCT. 30, 1992**

10/26/92 Department of Justice Issues Business Review Letter

In a letter from Charles A. James, Acting Assistant Attorney General in charge of the Antitrust Division, to counsel for Transplant Associates ("TA"), the Department advised TA that it does not intend to challenge TA's proposal to contract with a third-party accounting firm which, with the help of a subcontracted research services firm, will compile information and create a data base on individual TA physicians' charges for kidney and liver transplants. This data base will be used to prepare a statistical analysis of the average price of a given transplant procedure over a specified period of time, e.g., twelve months. That analysis will be given to TA for use in its negotiation for capitated (i.e., fixed-fee) contract proposals submitted by third-party payers. TA is located in Dallas, Texas and is a provider-based preferred provider organization whose approximately 85 member physicians from numerous medical specialties work in teams to perform kidney and liver transplant procedures at Baylor University Medical Center in Dallas, Texas.

**10/28/92 U.S. v. F.J. Dahill Co., Inc.
Criminal No.: 92-00623 (E.D. Pa.)**

One-count information was filed in U.S. District Court in Philadelphia, Pennsylvania, charging F.J. Dahill Co., Inc. of New Haven, Connecticut, with rigging bids, in violation of Section 1 of the Sherman Act, for certain

polyurethane foam contracts in New York and Connecticut, beginning at least as early as July 1987 and continuing at least into August 1990. Polyurethane foam is a material used in roofing projects.

10/30/92 U.S. v. Harold A. Honickman
Civil No.: 92-2436 (D.D.C.)

Civil complaint was filed in U.S. District Court in Washington, D.C., seeking a civil penalty from Harold A. Honickman, of Loveladies, New Jersey, for violating the premerger notification and waiting period requirements of the Hart-Scott-Rodino Act. The complaint alleges that Harold A. Honickman violated the Act in connection with the acquisition of the assets of Brooklyn Seven-Up Bottling Company, Inc., a company engaged in the production, distribution and sale of carbonated soft drinks in the New York metropolitan area. The complaint also alleges that Honickman did not comply with the Act before acquiring assets of Brooklyn Seven-Up in excess of the Act's \$15 million threshold on or shortly after July 31, 1987, and that he remained in continuous violation of the Act until on or about December 31, 1988. The Act permits a federal court, at the Department's request, to assess a civil penalty of up to \$10,000 for each day that a party is in violation. A proposed judgment was also filed which, if approved by the court, will settle the case with Honickman paying \$1,976,000.

Copies of legal filings are available from the Legal Procedure Unit, Antitrust Division, Room 3233, Telephone No.: 514-2481.