

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE OVERHEAD DOOR DISTRIBUTORS'  
ASSOCIATION OF GREATER DELAWARE  
VALLEY,

Defendant.

Civil No. CA 72-198

Filed: January 27, 1972

COMPLAINT

The United States of America, plaintiff, by its attorneys, acting under the direction of the Attorney General of the United States, brings this civil action to obtain equitable relief against the above-named defendant and complains and alleges as follows:

I

JURISDICTION AND VENUE

1. This complaint is filed and this action is instituted under Section 4 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. § 4), commonly known as the Sherman Act, in order to prevent and restrain the continuing violation by the defendant, as hereinafter alleged, of Section 1 of said Act (15 U.S.C. § 1).

2. The defendant transacts business and is found within the Eastern District of Pennsylvania.

## II

### DEFINITIONS

3. As used herein:

- (a) The term "overhead doors" means one piece or sectional residential garage doors, consisting of a wooden framework and hardboard, fiberglass, or wood panels, which operate vertically through manual or electronic means;
- (b) The term "overhead door manufacturer" means any individual, partnership, firm, or corporation engaged in the manufacture, sale, and distribution of overhead doors;
- (c) The term "overhead door distributor" means any individual, partnership, firm, or corporation engaged in the sale and installation of overhead doors; and
- (d) The term "Greater Delaware Valley trading area" means Philadelphia, Bucks, Delaware, Chester, and Montgomery Counties in Pennsylvania; Camden, Burlington, Mercer, Gloucester, Ocean, Atlantic, Salem, Cumberland, and Cape May Counties in New Jersey; and New Castle County in Delaware.

## III

### DEFENDANT

4. The Overhead Door Distributors' Association of Greater Delaware Valley (hereinafter referred to as

"O.D.D.A.") is made the defendant herein. O.D.D.A. is a trade association organized in April 1969 as a non-profit corporation under the laws of the State of New Jersey. Its members are overhead door distributors who are located and do business in the Greater Delaware Valley trading area.

#### IV

##### CO-CONSPIRATORS

5. Various other corporations, firms, and individuals not made defendants herein participated as co-conspirators in the offense alleged herein and performed acts and made statements in furtherance thereof. These include, but are not limited to, overhead door distributors which, during all or part of the period covered by this complaint, have been members of the O.D.D.A.

#### V

##### TRADE AND COMMERCE

6. Overhead doors are manufactured in a wide range of sizes, sections, and panels by overhead door manufacturers. In a typical sectional overhead door, each section consists of a wooden framework which supports hardboard, wooden, or fiberglass panels. Sections are hinged to each other to form a door which opens and closes vertically by traveling on metal tracks fixed along the sides of the doors. Electronic or manual means may be used to operate the door.

7. Members of O.D.D.A. are engaged in the installation and sale of overhead doors in the Greater Delaware Valley

trading area, and their customers include builders and home owners. During the year 1970, the dollar volume of overhead doors sold by members of O.D.D.A. in the Greater Delaware Valley trading area was in excess of \$3 million.

8. During the period covered by this complaint, substantial quantities of overhead doors produced by overhead door manufacturers were regularly shipped and sold across state lines to members of O.D.D.A. whose places of business are located within the Greater Delaware Valley trading area.

9. During the period covered by this complaint, members of O.D.D.A. regularly sold and shipped substantial quantities of overhead doors from their places of business in the Greater Delaware Valley trading area across state lines to customers located throughout that area.

## VI

### OFFENSE ALLEGED

10. Beginning at least as early as December 1968 and continuing thereafter up to and including the date of the filing of this complaint, the defendant and co-conspirators have engaged in a combination and conspiracy to eliminate and suppress competition in the sale and installation of overhead doors in unreasonable restraint of the aforesaid interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1). This combination and conspiracy will continue unless the relief hereinafter prayed for is granted.

11. The aforesaid combination and conspiracy has consisted of a continuing agreement, understanding, and concert of action among the defendant and co-conspirators, the substantial terms of which have been:

- (a) That members of O.D.D.A. will raise, fix, stabilize, and maintain prices for the sale of overhead doors; and
- (b) That members of O.D.D.A. will refuse to sell overhead doors to unauthorized distributors and other specified customers in the Greater Delaware Valley trading area.

12. For the purpose of forming and effectuating the aforesaid combination and conspiracy, the defendants and co-conspirators did those things which, as hereinabove alleged, they combined and conspired to do.

## VII

### EFFECTS

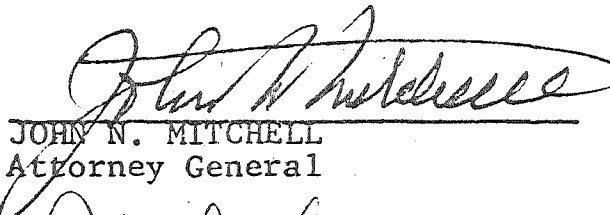
13. The aforesaid combination and conspiracy has had the following effects, among others:

- (a) Prices at which overhead doors are sold by overhead door distributors in the Greater Delaware Valley trading area have been raised, fixed, stabilized, and maintained;
- (b) Competition among overhead door distributors in the Greater Delaware Valley trading area has been eliminated and suppressed; and
- (c) Customers of overhead door distributors in the Greater Delaware Valley trading area have been deprived of the opportunity to purchase overhead doors in an open and competitive market.

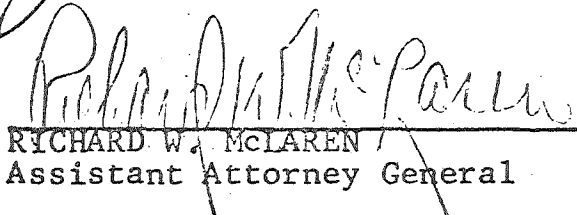
PRAYER

WHEREFORE, the plaintiff prays:

1. That the Court adjudge and decree that the defendant and co-conspirators engaged in an unlawful combination and conspiracy in restraint of the aforesaid interstate trade and commerce in violation of Section 1 of the Sherman Act.
2. That the defendant be ordered to advise each of its members in writing of the entry of the judgment herein.
3. That the defendant be dissolved and that no new association or associations having a similar purpose or effect be organized by any of the members, officers, directors, employees, or agents thereof.
4. That the plaintiff have such other, further, general, and different relief as the case may require and the Court may deem just and proper under the circumstances.
5. That the plaintiff recover the costs of this suit.

  
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