

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

PROFESSIONAL PETROLEUM  
MERCHANTS ASSOCIATION, )

Defendant. )

Civil No. G152-72-CA1

Filed: May 30, 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 action 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 continuing violation by the defendant, as hereinafter alleged, of Section 1 of that Act, as amended (15 U.S.C. § 1).

2. The defendant maintains an office, transacts business, and is found within the Western District of Michigan, Southern Division.

## II

### DEFENDANT

3. Professional Petroleum Merchants Association (hereinafter referred to as the "Association") is made the defendant herein. It is an unincorporated trade association whose membership consists of retail gasoline station operators who are located in the Grand Rapids area. Its place of business and office is in Grand Rapids, Michigan.

4. Whenever in this complaint it is alleged that the Association did any act or thing, such allegation shall be deemed to mean that such act or thing was done by the respective officers, employees, agents, members, or representatives of the Association while actively engaged in the management, operation, direction, or control of its affairs.

## III

### CO-CONSPIRATORS

5. Various persons, partnerships, associations, firms and corporations not made defendants herein have participated as co-conspirators in the violation hereinafter alleged, and have performed acts in furtherance thereof. These co-conspirators include the Association's members.

## IV

### DEFINITION

6. As used herein, the term "Grand Rapids area" means Kent County in the State of Michigan.

## V

### TRADE AND COMMERCE

7. During the period of time covered by this

complaint, there has been a regular and continuous flow in interstate commerce of substantial quantities of gasoline and crude oil from sources outside the State of Michigan to retail gasoline service stations and petroleum refineries within the State of Michigan.

8. Gasoline is sold at retail to consumers in the Grand Rapids area by gasoline service stations which are supplied substantial quantities of gasoline transported from (a) petroleum refineries and storage facilities located outside the State of Michigan, and (b) petroleum refineries within the State of Michigan which obtain crude oil for refining into gasoline from sources outside the State of Michigan.

9. There are approximately 380 retail gasoline service stations, many of whose operators have been members of the Association, located in the Grand Rapids area. Sales of gasoline to consumers by retail gasoline service stations located in the Grand Rapids area exceeded \$25,000,000 in 1970.

## VI

### VIOLATION ALLEGED

10. Beginning about April 1970, the exact date being unknown to the plaintiff, and continuing 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 raise and stabilize retail gasoline prices in the Grand Rapids area in unreasonable restraint of the above-described interstate trade and commerce, in violation of Section 1 of the Sherman Act. Said combination and conspiracy is continuing and 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 and are:

- (a) that members of the Association would refrain from using price signs to advertise the retail price of gasoline in the Grand Rapids area; and
- (b) that officers and members of the Association would solicit gasoline suppliers for the purpose of persuading such suppliers to cooperate with the Association in its efforts to raise and stabilize retail gasoline prices in the Grand Rapids area.

12. For the purpose of forming and effectuating the aforesaid combination and conspiracy, the defendant and co-conspirators have done those things which they combined and conspired to do.

## VII

### EFFECTS

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

- (a) retail gasoline prices have been raised and stabilized;
- (b) price competition among gasoline retailers has been suppressed and eliminated; and
- (c) consumers of gasoline have been deprived of the opportunity to purchase gasoline in an open and competitive market.

PRAYER

WHEREFORE, plaintiff prays:

1. That the Court adjudge and decree that the defendant and co-conspirators have engaged in an unlawful combination and conspiracy in restraint of the aforesaid interstate trade and commerce in the sale of gasoline, in violation of Section 1 of the Sherman Act.

2. That the defendant, its officers, directors, agents, and all other persons acting or claiming to act on its behalf, and each of its members, be enjoined and restrained from, in any manner, directly or indirectly, continuing, maintaining, or renewing the combination and conspiracy hereinbefore alleged, or from engaging in any other combination, conspiracy, contract, agreement, understanding, or concert of action having a similar purpose or effect, and from adopting or following any practice, plan, program, or device having a similar purpose or effect.

3. That the defendant be dissolved and that no new association or associations having a similar object or purpose be organized by any of the members, officers, directors, employees, or agents thereof.

4. That the defendant be required to give appropriate written notice of the terms of the final judgment to be entered herein to all known retailers of gasoline in the Grand Rapids area.

5. That the plaintiff have such other and further relief as the Court may deem just and proper.

6. That the plaintiff recover the costs of this  
suit.

Richard G. Kleindienst  
RICHARD G. KLEINDIENST  
Acting Attorney General

Walker B. Comegys  
WALKER B. COMEGYS  
Acting Assistant Attorney General

Baddia J. Rashid  
BADDIA J. RASHID

CARL L. STEINHOUSE

DWIGHT B. MOORE

Attorneys, Department of Justice

DAVID F. HILS

WILLIAM A. LeFAIVER

JEROME C. FINEFROCK

GERALD H. RUBIN

Attorneys, Department of  
Justice, Antitrust Division  
727 New Federal Building  
Cleveland, Ohio 44199  
Telephone: 216-522-4070