

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,  
Plaintiff,

v.

GARAGE DOOR MANUFACTURERS  
ASSOCIATION, INC.;  
CALDER MANUFACTURING COMPANY;  
THE COMMANDER DOOR, INC.;  
GENERAL DOORS CORPORATION;  
HOWELL MANUFACTURING COMPANY;  
IRV SNYDER DOORS, INC.; and  
RIDGE NASSAU CORPORATION,  
Defendants.

Civil No. CA 72-199

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 defendants 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 defendants as hereinafter alleged, of Section 1 of said Act (15 U.S.C. § 1).

2. The defendants transact business and are 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 "accessories" includes all hardware such as bolts, hinges, rollers, tracks, springs, and locks, as well as astragal, stops, glazing, painting, and other items which are part of a finished overhead door;
- (c) The term "overhead door manufacturer" means any individual, partnership, firm, or corporation engaged in the manufacture, sale, and distribution of overhead doors;
- (d) The term "overhead door distributor" means any individual, partnership, firm, or corporation engaged in the sale and installation of overhead doors; and
- (e) The term "trading area" means all of the United States east of the Mississippi River.

### III

#### DEFENDANTS

4. Garage Door Manufacturers Association, Inc. (hereinafter referred to as "G.D.M.A.") is made a defendant herein. G.D.M.A. is a trade association organized on April 23, 1964, under the Nonprofit Corporation Law of the Commonwealth of Pennsylvania. Its members are overhead door manufacturers who are located and do business in the trading area.

5. Each of the corporations listed below is made a defendant herein:

<u>Corporation</u>	<u>State of Incorporation</u>	<u>Principal Place of Business</u>
Calder Manufacturing Company	Pennsylvania	1322 Loop Road Lancaster, Pennsylvania
The Commander Door, Inc.	Pennsylvania	Maple Avenue & B&O Railroad Holmes, Pennsylvania
General Doors Corporation	New Jersey	Radcliffe & Monroe Streets Bristol, Pennsylvania
Howell Manufacturing Company	Pennsylvania	1233 Wrights Lane West Chester, Pennsylvania
Irv Snyder Doors, Inc.	Pennsylvania	500 East Price Street Philadelphia, Pennsylvania
Ridge Nassau Corporation	New Jersey	New Road Monmouth Junction, New Jersey

Each of said corporations is an overhead door manufacturer in the trading area and has been, during all or a part of the period covered by this complaint, a member of G.D.M.A.

#### IV

##### CO-CONSPIRATORS

6. Various other corporations, firms, and individuals not made defendants in this complaint, 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 manufacturers, other than the defendant manufacturers, which, during all or part of the period covered by this complaint, have been members of G.D.M.A.

#### V

##### TRADE AND COMMERCE

7. 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.

8. During the period of time covered by this complaint, substantial quantities of lumber, hardboard, fiberglass, other materials, and accessories which are used in the manufacture of overhead doors have been regularly sold and shipped to the defendant and co-conspirator manufacturers from suppliers located in various states, including states other than the state in which the plants of the defendant and co-conspirator overhead door manufacturers are located.

9. Defendant and co-conspirator overhead door manufacturers fabricate overhead door sections from such materials and, during the period covered by this complaint, have regularly sold and shipped substantial quantities of overhead doors to overhead door distributors and other customers located in various states of the trading area, including states other than the state of manufacture. Total annual sales of overhead doors manufactured by defendant and co-conspirator overhead door manufacturers exceed \$10 million.

## VI

### OFFENSE ALLEGED

10. Beginning at least as early as the Spring of 1966 and continuing thereafter up to and including the date of the filing of this complaint, the defendants and co-conspirators have engaged in a combination and conspiracy to eliminate and suppress competition in the manufacture, sale, and distribution 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 defendants and co-conspirators, the substantial terms of which have been to:

- (a) Raise, fix, stabilize, and maintain prices for overhead doors and accessories in the trading area; and
- (b) Refuse to sell overhead doors and accessories to certain specified distributors or customers.

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) The prices at which overhead doors and accessories are sold to overhead door distributors in the trading area have been raised, fixed, stabilized, and maintained;
- (b) Competition among overhead door manufacturers in the trading area has been eliminated and suppressed; and

- (c) Customers for overhead doors have been deprived of the benefits of free and open competition.

PRAYER

WHEREFORE, the plaintiff prays:

1. That the Court adjudge and decree that the defendants 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 each of the defendants, its subsidiaries, successors, transferees, assigns, and the respective officers, directors, agents, and employees thereof, and all other persons acting or claiming to act on behalf thereof, be perpetually enjoined and restrained from, in any manner, directly or indirectly:

- (a) Continuing, maintaining or renewing the combination and conspiracy hereinbefore alleged, or from engaging in any other combination or conspiracy having a similar purpose or effect, or from adopting or following any practice, plan, program, or device having a similar purpose or effect;
- (b) Entering into any agreement, arrangement, or understanding with any other person:
- (1) To raise, fix, stabilize, or maintain prices for the sale of overhead doors and accessories to any third person; or

- (2) To refuse to sell overhead doors and accessories to any overhead door distributor or other customer of any manufacturer of overhead doors; and
- (c) Communicating to any other person information concerning the prices for the sale of overhead doors or accessories to any third person prior to the release thereof to the public or trade generally.

3. That each defendant manufacturer be ordered to individually and independently review and determine its prices for the sale of overhead doors and accessories, put into effect those prices so determined, and file with this Court affidavits certifying that these requirements have been fulfilled.

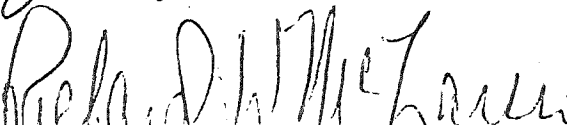
4. That the Court order each defendant manufacturer to maintain records showing meetings with or communications to or from any other overhead door manufacturer.

5. That G.D.M.A. 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.

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

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

  
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