

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

AMPRESS BRICK COMPANY, INC.;
AMERICAN BRICK COMPANY;
E. L. RAMM COMPANY;
CHICAGO BLOCK CO., INC.;
ILLINOIS BRICK COMPANY;
HEIGHTS BLOCK, INC.;
SGM CORPORATION;
NORTHFIELD BLOCK CO.;
VALLEY BLOCK & SUPPLY COMPANY;
JOLIET CONCRETE PRODUCTS, INC.;
and JOSEPH METZ & SONS, INC.,
Defendants.

Civil Action No. 73 C-1016

Filed: April 19, 1973

Equitable Relief Sought

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 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 violation by the defendants, as hereinafter alleged, of Section 1 of the Sherman Act.

2. Each of the defendants maintains an office, transacts business, and is found within the Northern District of Illinois, Eastern Division.

II

DEFENDANTS

3. Each of the corporations named below is made a defendant herein. Each of said defendants is incorporated and exists under the laws of the State of Illinois with the exception of American Brick Company, Valley Block & Supply Company, and Joliet Concrete Products, Inc. which are incorporated and exist under the laws of the State of Delaware. Each of these corporations has its principal place of business in the locality indicated and has been engaged in the sale of concrete block

within the Greater Chicago Area during all or part of the period of the violation alleged herein.

<u>CORPORATION</u>	<u>PRINCIPAL PLACE OF BUSINESS</u>
Ampress Brick Company, Inc.	Des Plaines, Illinois
American Brick Company	Chicago, Illinois
E. L. Ramm Company	La Grange, Illinois
Chicago Block Co., Inc.	Chicago, Illinois
Illinois Brick Company	Chicago, Illinois
Heights Block, Inc.	Chicago Heights, Illinois
SGM Corporation	Chicago Heights, Illinois
Northfield Block Co.	Mundelein, Illinois
Valley Block & Supply Company	Elgin, Illinois
Joliet Concrete Products, Inc.	Joliet, Illinois
Joseph Metz & Sons, Inc.	Lyons, Illinois

III

CO-CONSPIRATORS

4. Various persons not made defendants in this complaint, including an informal association of concrete block producers to which all of the corporate defendants belonged and other persons engaged in the production and sale of concrete block in the Greater Chicago Area, have

participated as co-conspirators in the violation alleged herein and performed acts and made statements in furtherance thereof.

IV

DEFINITIONS

5. As used herein, the term:

- (a) "Concrete block" means a mixture of cement, water and aggregates, with or without the inclusion of other materials, which are molded and formed by machine into units for use primarily in the building construction business;
- (b) "Greater Chicago Area" means the area containing and consisting of Lake, McHenry, Cook, Kane, DuPage and Will Counties in Illinois; Lake and Porter Counties in Indiana; and Kenosha County in Wisconsin; and
- (c) "Person" means any individual, corporation, partnership, firm, association, or other business or legal entity.

V

TRADE AND COMMERCE

6. With the exception of the American Brick Company, all of the defendants have been engaged in the production of concrete block in the Greater Chicago Area during all or part of the period of the violation alleged herein.

American Brick Company purchases concrete block for resale primarily from its production affiliate, Carey Brick Company. During all or part of the period covered by this complaint, the defendants have sold concrete block primarily to masonry contractors in the Greater Chicago Area on the basis of written or oral price quotations. Said customers use concrete block primarily in the construction of factories, schools, churches, public buildings and other low rise structures.

7. The defendants' aggregate gross sales of concrete block in the Greater Chicago Area in 1970 were approximately \$12 million. As a group, the defendants accounted for a large share of the concrete block produced in the Greater Chicago Area in 1970.

8. Substantial quantities of essential ingredients used in producing concrete blocks are regularly shipped into the State of Illinois to persons, including the

defendants and co-conspirators, from sources located outside of the State of Illinois.

9. Substantial quantities of concrete block produced by persons, including the defendants and co-conspirators, are produced in plants located in the State of Illinois and are sold and delivered regularly and continuously from said plants to customers located in the States of Indiana and Wisconsin.

VI

VIOLATION ALLEGED

10. Beginning in the middle of 1969, the exact date being unknown to the plaintiff, and continuing thereafter up to the date of this complaint, the defendants and co-conspirators have engaged in a combination and conspiracy in unreasonable restraint of the aforesaid interstate trade and commerce in the sale of concrete block in the Greater Chicago Area, in violation of Section 1 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. § 1), commonly known as the Sherman Act.

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 raise, fix and stabilize the price of concrete block in the Greater Chicago Area.

VII

EFFECTS

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

- (a) Price competition in the sale of concrete block in the Greater Chicago Area has been restrained and suppressed;
- (b) Customers of the defendants and co-conspirators in the Greater Chicago Area have been deprived of the opportunity to purchase concrete block in an open and competitive market; and
- (c) Prices of concrete block in the Greater Chicago Area have been artificially raised, fixed, and maintained at noncompetitive levels.

PRAYER

WHEREFORE, plaintiff prays:

- 1. That the Court adjudge and decree that each of the defendants has engaged in a combination and conspiracy, as alleged herein, in unreasonable restraint of the aforesaid

interstate trade and commerce in the sale of concrete block in the Greater Chicago Area, in violation of Section 1 of the Sherman Act.

2. That each of the defendants, its successors, assignees, transferees, directors, officers, agents, employees, representatives, and all other persons or corporations acting or claiming to act for or on its behalf, be perpetually enjoined and restrained from continuing, maintaining or renewing, directly or indirectly, the combination and conspiracy hereinbefore alleged, and 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 each of the defendants, its successors, assignees, transferees, directors, officers, agents, employees, representatives and all other persons or corporations acting or claiming to act for or on its behalf, be perpetually enjoined and restrained from combining and conspiring among themselves or with any other person or corporation to fix or stabilize the price of concrete block, and from exchanging concrete

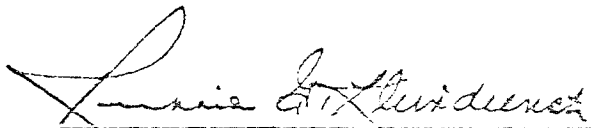
block price lists before the effective date of the prices on such price lists.

4. That the defendants be prohibited from organizing, joining, participating in, or contributing anything of value to any association, meeting or group having an objective or purpose similar to that of the combination and conspiracy alleged herein.


5. That the defendants be required to distribute to each of their customers a copy of any final judgment or decree within 60 days of the date of the entry of such judgment or decree.

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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