

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA,	)	
	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 72-725-Civ-T
	)	
v.	)	
	)	Filed: 12/14/72
	)	
ST. PETERSBURG AUTOMOBILE	)	
DEALERS ASSOCIATION,	)	
	)	
	)	
Defendant.	)	

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 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 is located in, transacts business and is found within the Middle District of Florida, Tampa Division.

## II

### DEFINITIONS

3. As used herein:

- (a) "automobile repairs" means the application of parts and labor to damaged automobiles for the purpose of repairing them;
- (b) "repair shop" means any person engaged in performing automobile repairs; and
- (c) "parts" means new and used automobile parts utilized in repairing damaged automobiles.

## III

### THE DEFENDANT

4. The St. Petersburg Automobile Dealers Association, hereinafter referred to as the "SPADA", is hereby made the defendant herein. SPADA is an unincorporated association located in the City of St. Petersburg, Pinellas County, Florida. Its active membership includes corporations and other persons engaged in the business of selling new automobiles and trucks in St. Petersburg. In addition, most of its members are also engaged in the business of performing automobile repairs.

## IV

### CO-CONSPIRATORS

5. Various other persons including the members of SPADA not made defendants herein have participated in the violation hereinafter alleged and have performed acts and made statements in furtherance of said violation.

## V

### TRADE AND COMMERCE

6. Nearly all of the parts used by repair shops in St. Petersburg, including those used by SPADA's members,

are manufactured or originate outside the State of Florida. In 1970, the SPADA members realized revenues in excess of \$1 million from the performance of automobile repairs. This includes parts sales of over \$500,000. A substantial portion of all automobile repairs are covered by automobile casualty insurance.

7. Almost all of the parts stocked by SPADA members are manufactured in states other than the State of Florida. In addition, these dealers often do not maintain complete inventories of parts for all years and models of cars; therefore, they must and do place special orders with manufacturers' factories, warehouses and assembly plants in order to fill the prior orders of the repair shops. Almost all of the parts ordered from these factories, warehouses and assembly plants are shipped to the State of Florida from manufacturing facilities located outside the State of Florida. There is, and has been during the period covered by this complaint, a regular, continuous and substantial flow in interstate commerce of new parts from suppliers located outside the State of Florida through the conduits of SPADA members.

8. New cars are manufactured outside the State of Florida and shipped to the members of SPADA, for sale to the public. In 1970, it is estimated that SPADA members had total sales of new cars in excess of \$25 million. There is, and has been during the period covered by this complaint, a regular, continuous, and substantial flow in interstate commerce of new cars from suppliers located outside the State of Florida through the conduits of members of SPADA.

## VI

### VIOLATION ALLEGED

9. Beginning at least as early as 1969, the exact date being to the plaintiff unknown, and continuing to the date of the filing of this complaint, the defendant and its co-conspirators have engaged in a combination and conspiracy in unreasonable restraint of the aforesaid interstate trade and commerce 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. Such violation is continuing and will continue unless the relief hereinafter prayed for is granted.

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

- (a) to establish and maintain a schedule of fees for estimating automobile repairs;
- (b) to eliminate discounts on parts prices previously granted on automobile repairs covered by automobile casualty insurance; and
- (c) to restrict the advertising and promotional activities of the members of SPADA.

## VII

### EFFECTS

11. The violation hereinbefore alleged has had the following effects, among others:

- (a) competition between and among the SPADA members in performing automobile repairs has been restrained;

- (b) fees to be charged for estimating automobile repairs have been established and maintained at non-competitive and artificial level;
- (c) prices for parts have been fixed, raised and maintained at non-competitive and artificial levels;
- (d) owners of damaged automobiles and their insurers have been deprived of the opportunity to obtain automobile repairs at competitive prices; and
- (e) competition between and among members of SPADA in the sale of new cars has been restrained.

PRAYER

WHEREFORE, the plaintiff prays:

1. That the aforesaid combination and conspiracy, and the aforesaid agreement, understanding and concert of action between and among the defendant and its co-conspirators in restraint of the hereinbefore described interstate trade and commerce be adjudged and decreed to be unlawful and in violation of Section 1 of the Sherman Act.

2. That the defendant, its officers, directors, agents and employees, and all persons acting or claiming to act on their behalf, be perpetually enjoined from continuing, reviving or renewing the aforesaid illegal combination and conspiracy and the aforesaid agreement, understanding and concert of action, and from engaging in practices having the purpose or effect of continuing, reviving or renewing any similar violation of the Sherman Act.

3. That the plaintiff have such other and further relief as the nature of the case may require and the Court may deem just and proper.

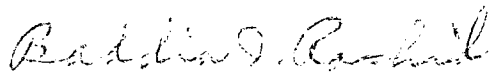
4. That the plaintiff recover its taxable costs.



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