

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 AMERICAN BUILDING MAINTENANCE CORP.;)
 ATLANTIC WINDOW CLEANING CO. INC.;)
 BLOOMFIELD WINDOW CLEANING)
 COMPANY, INC.;)
 BUILDING SERVICES CORPORATION OF)
 NEW JERSEY;)
 EASTERN MAINTENANCE CO.;)
 INTERNATIONAL SERVICES, INC.;)
 MacCLEAN SERVICE CO., INC. OF)
 NEW JERSEY;)
 METROPOLITAN MAINTENANCE COMPANY;)
 MIDDLESEX BUILDING SERVICES;)
 PIONEER MAINTENANCE CORP.;)
 TRENTON WINDOW CLEANING COMPANY;)
 YANKEE BUILDING MAINTENANCE CO.; and)
 SAMUEL S. USDIN,)
)
 Defendants.)

Civil No. 74-719

Filed:

May 16, 1974

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, as amended (15 U.S.C. § 1).

2. The defendants transact business and are found within the District of New Jersey.

II

DEFENDANTS

3. The corporations named below are made defendants herein. Each of the corporations is organized and exists under the laws of the State of New Jersey and has its principal place of business in the city indicated below. Within the period covered by this complaint, each of these defendants engaged in the business of furnishing building maintenance services:

<u>Name of Corporation</u>	<u>Principal Place of Business</u>
American Building Maintenance Corp.	Newark, New Jersey
Atlantic Window Cleaning Co. Inc.	Newark, New Jersey
Bloomfield Window Cleaning Company, Inc.	Bloomfield, New Jersey
Building Services Corporation of New Jersey	Jersey City, New Jersey
Eastern Maintenance Co.	Newark, New Jersey
International Services, Inc.	Irvington, New Jersey
MacClean Service Co., Inc. of New Jersey	East Orange, New Jersey
Metropolitan Maintenance Company	Nutley, New Jersey
Middlesex Building Services	New Brunswick, New Jersey
Pioneer Maintenance Corp.	Elizabeth, New Jersey
Yankee Building Maintenance Co.	Nutley, New Jersey

4. Within the period covered by this complaint, Middlesex Building Services has also traded under the name New Brunswick Window Cleaning Co. and Pioneer Maintenance Corp. has also traded under the name Associated Building Maintenance.

5. Trenton Window Cleaning Company, a partnership existing under the laws of the State of New Jersey, is made a defendant herein. Trenton Window Cleaning Company has its principal place of business in Trenton, New Jersey and has, within the period covered by this complaint, engaged in the business of furnishing building maintenance services.

6. Samuel S. Usdin is made a defendant herein. During all or part of the period covered by this complaint, the defendant was engaged in the business of furnishing building maintenance services and was trading as City & State Window Cleaning Co. located in Kenilworth, New Jersey.

III

CO-CONSPIRATORS

7. Various individuals, companies and associations not made defendants in this complaint, including, but not limited to, companies engaged in the business of furnishing building maintenance services in New Jersey and New York, have participated as co-conspirators in the violation alleged herein and have performed acts and made statements in furtherance thereof.

IV

TRADE AND COMMERCE

8. Building maintenance companies, including defendants and co-conspirators, offer to sell and sell their services primarily to owners, tenants, landlords, and managing agents of residential, commercial, industrial and institutional buildings. These services may include, but are not limited to, general cleaning; sweeping and dusting; stripping, waxing, and polishing floors; carpet vacuuming and shampooing; venetian blind cleaning and

repairing; washing of windows, floors and walls; furniture cleaning and polishing; and other janitorial and cleaning services.

9. Defendants and co-conspirator companies are the principal suppliers of building maintenance services in major metropolitan areas of the State of New Jersey. Their total revenues in 1972 from the sale of building maintenance services exceeded \$25,000,000.

10. During the period covered by this complaint, the defendant and co-conspirator companies purchased substantial quantities of materials, supplies, and equipment which were essential to the furnishing and sale of building maintenance services and which had been shipped and transported across state lines and in interstate commerce.

11. During the period covered by this complaint, defendant and co-conspirator companies offered to sell and sold building maintenance services to customers located across state lines in states including New Jersey, New York and Pennsylvania. The defendant and co-conspirator companies shipped and transported across state lines personnel and substantial quantities of materials, supplies and equipment used in and essential to the furnishing of building maintenance services to such customers and sent bills for their charges and other documents relating to such services through the mails across state lines to such customers.

12. During the period covered by this complaint, many of the customers of the defendant and co-conspirator companies were engaged in the manufacture and sale of products that were shipped and transported across state lines and in interstate and foreign commerce. Building maintenance services were essential services to such customers.

13. During the period covered by this complaint, the sale, offering for sale and furnishing of building maintenance services by defendants and co-conspirators, and the activities of defendants and co-conspirators were within the flow of interstate commerce and had an effect upon that commerce.

V

VIOLATION ALLEGED

14. Beginning at least as early as 1967, the exact date being to the plaintiff unknown, and continuing thereafter up to and including the date of the filing of this complaint, the defendants and co-conspirators engaged in a continuing 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. This combination and conspiracy will continue unless the relief hereinafter prayed for is granted.

15. The aforesaid combination and conspiracy consisted of a continuing agreement, understanding and concert of action among the defendants and co-conspirators, the substantial terms of which were:

- (a) to allocate customers among themselves for the furnishing of building maintenance services;
- (b) to refrain from soliciting or competing for the customers so allocated;
- (c) to impose requirements of compensation on building maintenance companies who fail to conform to the terms of

the conspiracy described in subparagraphs (a) and (b) above; and
(d) to submit noncompetitive, collusive and rigged bids for building maintenance services to customers or potential customers.

VI

EFFECTS

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

- (a) competition in the furnishing of building maintenance services has been restrained, suppressed and eliminated;
- (b) customers of building maintenance companies have been deprived of the benefits of free and open competition in furnishing building maintenance services; and
- (c) prices of building maintenance services have been fixed, stabilized and maintained at high, artificial and noncompetitive levels.

PRAYER

WHEREFORE, the plaintiff prays:


1. That the Court adjudge and decree that the defendants and co-conspirators have 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, partners, agents, and employees thereof, and all other persons acting or claiming to act on their behalf, 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 or conspiracy 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 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.

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



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