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UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
) Civil No. 5872
 v.)
)
 JACKSON HOLE SERVICE STATION) Filed: May 21, 1973
 ASSOCIATION;)
 PHILIP C. BEGLEY;)
 NOBLE A. FRANZEN;) ANTITRUST (Sherman Act,
 JOHN FARRELL HILL;) § 1, 15 U.S.C. § 1)
 KENNETH E. GAYHART;)
 CECIL E. LYNCH;)
 JAMES MAX MAY;)
 DALE R. RHODES;)
 ROBERT L. SHERVIN;)
 CHARLES TICE; and)
 MIKE G. WILMOTH,)
 Defendants.)

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. Each of the defendants transacts business and is found within the District of Wyoming.

II

THE DEFENDANTS

3. The Jackson Hole Service Station Association (hereinafter "the Association") is made a defendant herein. Said defendant is an unincorporated association of individuals, partnerships, and corporations engaged in business as service station dealers and operators in the Jackson area and has its principal place of business in Jackson, Wyoming.

4. Each of the individuals listed below is made a defendant herein. Each is, or has been, in the period of time covered by this complaint, a member of the Association residing in the Jackson area and operating a service station in the City of Jackson, Wyoming, under the name listed below:

<u>Name</u>	<u>Name of Service Station</u>
Philip C. Begley	West Side Standard
Noble A. Franzen	J H L Enco
Kenneth E. Gayhart	Centennial Union 76
John Farrell Hill	Hill's Union Seventy-Six
Cecil E. Lynch	Lynch's Standard Service
James Max May	Max's Mobil Service
Dale R. Rhodes	Jackson Chevron Service
Robert L. Shervin	Husky Service
Charles Tice	Tice's Sixty-Six Service
Mike G. Wilmoth	Grand Teton Enterprizes

III

CO-CONSPIRATORS

5. Various corporations, firms, and other persons not made defendants herein have participated as co-conspirators in the violation hereinafter alleged, and have performed acts and made statements in furtherance thereof.

IV

DEFINITIONS

6. As used herein:

- (a) The term "service station" means a business establishment engaged primarily in the retail sale of gasoline and automotive services to the general public;
- (b) The term "automotive services" means those services that are normally sold at service stations, including lubrication, cleaning, and repairs;
- (c) The term "Jackson area" means the area within the City of Jackson, Wyoming, and that area outside the City of Jackson which forms a part of the business community of the City of Jackson, Wyoming; and
- (d) The term "price signs" means large, easily viewable signs commonly posted by service stations which indicate the price of gasoline.

V

TRADE AND COMMERCE

7. During the 12 months ending May 1, 1972, gasoline having a retail value of more than \$2 million was sold in the Jackson area. Since that date, service stations in that area have continued to sell gasoline to consumers at a substantially similar rate.

8. There is, and has been, during the period covered by this complaint a continuous, regular, and substantial flow in interstate commerce of gasoline obtained from sources outside the State of Wyoming sold to service stations in the Jackson area and from such service stations to consumers.

9. There is, and has been, during the period covered by this complaint a continuous, regular, and substantial flow in interstate commerce of said gasoline and of automotive services from service stations located in the Jackson area to consumers traveling from or through Wyoming to other states.

VI

VIOLATION ALLEGED

10. Beginning sometime prior to 1960, the exact date being to the plaintiff unknown, and continuing thereafter up to and including the filing 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 gasoline and automotive services in the Jackson area in violation of Section 1 of the Sherman Act. Said 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 and are:

- (a) to raise, stabilize, and maintain retail prices of gasoline and automotive services;
- (b) to eliminate discounts to consumers on the retail sale of gasoline and automotive services;

- (c) to discourage the posting of price signs; and
- (d) to close all but a few service stations in the Jackson area on Sundays.

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

VII

EFFECTS

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

- (a) Retail prices for gasoline and automotive services have been raised, fixed, stabilized, and maintained at artificial and noncompetitive levels;
- (b) Competition among persons in the service station business in the Jackson area has been suppressed and eliminated; and
- (c) Consumers have been deprived of the opportunity to purchase gasoline and automotive services in a free and open market.

PRAYER

WHEREFORE, 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 the sale of gasoline and automotive services, in violation of Section 1 of the Sherman Act.

2. That the individual defendants and the defendant Jackson Hole Service Station Association, its officers,

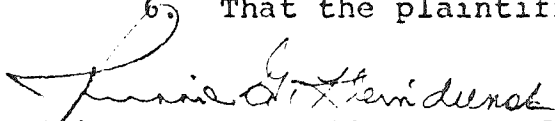
directors, agents, and all other persons acting or claiming to act on its behalf, and each of its members, be enjoined and restrained from, in any manner, directly or indirectly, continuing, maintaining, or renewing the combination and conspiracy hereinbefore alleged, or from engaging in any other combination, 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 Jackson Hole Service Station Association 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 defendants 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 Jackson 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 action.


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