

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 ) Civil Action No. 74-1652  
 v. )  
 ) Filed: June 28, 1974  
 )  
 FOOTE MINERAL COMPANY and )  
 METALLGESELLSCHAFT, A.G., )  
 )  
 Defendants. )

COMPLAINT

The United States of America, plaintiff, by its attorneys, acting under the direction of the Acting 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 that Act, as amended (15 U.S.C. § 1).

2. Foote Mineral Company maintains an office, transacts business, and is found within the Eastern District of Pennsylvania.

II

DEFENDANTS

3. Foote Mineral Company (hereinafter referred to as "Foote") is named a defendant herein. Foote is a corporation

within the United States. In addition, the company exports substantial quantities of lithium to countries outside the United States, including countries within Europe.

7. Metall does not produce lithium but rather purchases a substantial portion of its lithium requirements from Foote f.o.b. Foote's processing plants in the United States. Metall ships the lithium to Europe either for resale or for further conversion into other lithium compounds. In 1972, Metall accounted for approximately 60 percent of sales of lithium in Europe. Metall sells limited quantities of lithium in the United States.

8. Throughout the period of time of the violation alleged herein, Foote and Metall have been continuously shipping and selling lithium in the interstate and foreign commerce of the United States.

#### IV

#### VIOLATION ALLEGED

9. Beginning in at least 1964 and continuing up to and including the date of the filing of this complaint, defendants Foote and Metall have entered into a combination and conspiracy in unreasonable restraint of the aforesaid interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. §1). The violation is continuing and will continue unless the relief hereinafter prayed for is granted.

10. The unlawful combination and conspiracy has consisted of a continuing agreement, understanding, and

manner, directly or indirectly, continuing, maintaining, or renewing the combination and conspiracy hereinbefore alleged, or from engaging in any other combination of 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 defendants Metall and Foote be ordered to cancel all or any portions of the agreements between themselves, which are found to unreasonably restrain the sale of lithium in the interstate and foreign commerce of the United States.

4. That, pursuant to Section 5 of the Sherman Act, 15 U.S.C. §5, this Court order summons to be issued to Metallgesellschaft, A.G., commanding said defendant to appear herein and defend each allegation contained in this complaint and to abide by and perform such acts, orders, and decrees as the Court may make in the premises.

5. 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.

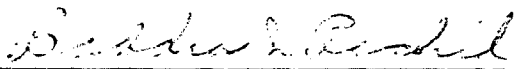
6. That the plaintiff recover the costs of this suit.



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