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UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Civil No. 74-477
v.)	
)	(Title 15 U.S.C. § 1;
CLOVIS RETAIL LIQUOR DEALERS TRADE)	Conspiracy in
ASSOCIATION;)	Restraint of Inter-
AZTEC BOWLING CORPORATION;)	state Trade and
CHAPARRAL LIQUORS, INC.;)	Commerce)
GOLD LANTERN LOUNGE AND PACKAGE, INC.;)	Filed. September 27, 1974;
TOWER HOTEL CORPORATION;)	
JOHNNIE MACK GOODMAN, d.b.a. BOOT HILL)	
LIQUORS;)	
EDDIE P. WATSON, d.b.a. MABRY DRIVE)	
LOUNGE;)	
FRED W. JOHNSTON, d.b.a. SUNSET)	
LOUNGE & PACKAGE;)	
KIT PETTIGREW, d.b.a. PRINCE LOUNGE &)	
PACKAGE STORE; and)	
JAMES E. FOSTER, d.b.a. LAVISTA LOUNGE)	
AND PACKAGE STORE,)	
)	
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 action against the defendants named herein and complains and alleges as follows:

I

JURISDICTION AND VENUE

1. This complaint is filed and these proceedings are 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 New Mexico.

II

DEFENDANTS

3. Clovis Retail Liquor Dealers Trade Association is hereby made a defendant herein. Clovis Retail Liquor Dealers Trade Association is a non-profit association organized on December 19, 1962. During the period covered by this complaint, the Clovis Retail Liquor Dealers Trade Association membership consisted of proprietors of businesses and officers of corporations engaged in the retail sale of alcoholic beverages in Clovis, New Mexico.

4. The corporations named below are hereby made defendants herein. Each of said corporations is organized and exists under the laws of the State of New Mexico, and has its principal place of business in the city of Clovis, New Mexico. Within the period covered by this complaint, each of the following defendants engaged in the retail sale of alcoholic beverages:

Aztec Bowling Corporation;
Chaparral Liquors, Inc.;
Gold Lantern Lounge and Package, Inc.; and
Tower Hotel Corporation.

5. The individuals named below are hereby made defendants herein. During all or part of the period covered by this complaint, each individual has been associated with the company indicated in the position set forth below:

<u>NAME</u>	<u>COMPANY</u>	<u>POSITION</u>
Johnnie Mack Goodman	Boot Hill Liquors	Proprietor
Eddie P. Watson	Mabry Drive Lounge	Partner

Fred W. Johnston	Sunset Lounge & Package	Proprietor
Kit Pettigrew	Prince Lounge & Package Store	Proprietor
James E. Foster	LaVista Lounge and Package Store	Proprietor

III

CO-CONSPIRATORS

6. Other corporations, companies, and individuals not named defendants in this complaint participated as co-conspirators with the defendants in the violation alleged herein and performed acts and made statements in furtherance thereof.

IV

TRADE AND COMMERCE

7. The defendant corporations and proprietorships sell alcoholic beverages by the bottle and/or by the drink in Clovis, New Mexico. Virtually all alcoholic beverages sold by these companies are imported from outside of the State of New Mexico by wholesalers. These wholesalers receive shipments of liquor, beer, and wine from such states as Kentucky, Illinois, Tennessee, Colorado, California, Texas and New York. Distribution involves a rapid turnover of product and distributor inventories are based on demands of the market. Sales representatives of distillers and brewers work in conjunction with wholesale salesmen in servicing the retail trade. The defendants are engaged in interstate commerce.

8. Clovis, New Mexico is the only city in Curry and Roosevelt Counties, New Mexico and adjoining counties in Texas in which alcoholic beverages may be legally sold. A substantial number of customers are attracted from these

dry counties of Texas into Clovis for the sale of alcoholic beverages.

9. In 1972, alcoholic beverage products having a wholesale value of \$1,833,000 were sold to Clovis alcoholic beverage retailers. It is estimated that sales by Clovis alcoholic beverage retailers exceeded \$3 million in 1972.

V

VIOLATION ALLEGED

10. Beginning at least as early as 1966, the exact date being unknown to the plaintiff, and continuing 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 alcoholic beverages 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:

(a) to raise, fix and stabilize the retail prices and other terms and conditions of sale of alcoholic beverages in the Clovis, New Mexico area;

(b) to induce and persuade retailers of alcoholic beverages in the Clovis, New Mexico area to adopt and adhere to uniform and non-competitive prices.

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.

VI

EFFECTS

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

(a) competition among the defendants and co-conspirator retailers of alcoholic beverages has been restricted;

(b) prices of alcoholic beverages sold in the Clovis, New Mexico area by defendants and co-conspirator retailers have been raised, fixed and stabilized at artificial and non-competitive levels;

(c) customers of the defendants and co-conspirator retailers have been deprived of the opportunity to purchase alcoholic beverages at competitive prices.

VII

PRAYER

WHEREFORE, the plaintiff prays:

1. That the aforesaid combination and conspiracy be adjudged and decreed to be unlawful and in violation of Section 1 of the Sherman Act.

2. That each of the defendants, its successors, assignees and transferees, and the respective officers, directors, agents and employees thereof, and all persons claiming to act on behalf thereof, be perpetually enjoined and restrained from continuing to carry out, directly or indirectly, the combination and conspiracy hereinbefore alleged, or from engaging in any other combination or conspiracy having a similar purpose or effect, or 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 and transferees, and its officers, directors, agents and employees, and all persons acting or claiming

to act on behalf thereof, be perpetually enjoined and restrained from exchanging with or divulging to any competitor information concerning prices, discount terms, pricing intentions, pricing methods or any term or condition affecting the retail price of alcoholic beverages which they sell.

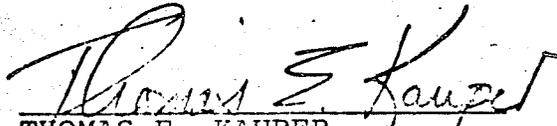
4. That the Clovis Retail Liquor Dealers Trade Association be dissolved within 60 days of the entry of the decree in this matter and that no new or other association or associations having any similar objective or purpose be organized by defendants or their successors or assigns or any of them.

5. That the defendants be required to take such further action as the Court may deem necessary and appropriate to terminate and dissipate the effects of the unlawful activities hereinabove alleged, and to permit and restore competition in the retail sale of alcoholic beverages in Clovis, New Mexico.

6. That the plaintiff have such other, further and different relief as the Court may deem just and appropriate in the premises.

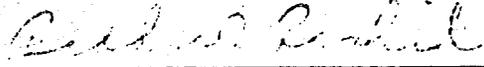
7. That the plaintiff recover the costs of this suit.

Dated:



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