

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

| | | |
|---------------------------------|---|-------------------------|
| UNITED STATES OF AMERICA |) | Criminal No. |
| |) | |
| v. |) | Filed: [12/9/94] |
| |) | |
| GERALD BRANDT, |) | Violation |
| |) | |
| Defendant. |) | 15 U.S.C. § 1 |

INFORMATION

The United States of America, acting through its attorneys, charges:

I

DESCRIPTION OF THE OFFENSE

1. Gerald Brandt is hereby made a defendant on the charge stated below.
2. Beginning at least as early as September 1989 and continuing thereafter until at least December 1991, the exact dates being unknown to the United States, the defendant and others entered into and engaged in a combination and conspiracy to suppress and restrain competition by raising, fixing, and maintaining prices for the sale of wholesale plumbing supplies sold by Amarillo Winnelson Company, Inc., and co-conspirators from places of business located in Amarillo, Texas, in unreasonable restraint of interstate trade and commerce in violation of Section One of the Sherman Act (15 U.S.C. § 1).

II

DEFENDANT AND CO-CONSPIRATORS

3. During the period covered by this Information, the defendant was President of the Amarillo Winnelson Company, Inc., in Amarillo, Texas, and was engaged in the sale and distribution of wholesale plumbing supplies. The defendant's duties included establishing the price of wholesale plumbing supplies sold by Amarillo Winnelson Company, Inc.,

4. Various corporations and individuals, not made defendants in this Information, participated as co-conspirators in the offense charged and performed acts and made statements in furtherance of it.

5. Whenever in this Information reference is made to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

III

THE CONSPIRACY

6. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and co-conspirators, a substantial term of which was to raise, fix, and maintain prices of wholesale plumbing supplies sold by wholesale plumbing suppliers located in Amarillo, Texas.

7. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and co-conspirators performed the following acts, among others, in the Northern District of Texas:

- (a) discussed prices being charged for wholesale plumbing supplies;
- (b) agreed to raise, fix, and maintain prices for wholesale plumbing supplies; and
- (c) raised, fixed, and maintained prices for wholesale plumbing supplies, as agreed.

IV

TRADE AND COMMERCE

8. During the period covered by this Information substantial quantities of wholesale plumbing supplies were purchased by the defendant and co-conspirators from manufacturers located outside the State of Texas and transported into the State of Texas for sale to customers.

9. The business activities of the defendant and co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

V

JURISDICTION AND VENUE

10. The combination and conspiracy charged in this Information was formed and carried out, in part, within the Northern District of Texas, Fort Worth Division, within the five years preceding the filing of this Information.

ALL IN VIOLATION OF TITLE 15 U.S.C. § 1.

DATED this _____ day of _____, 1994.

_____/s/_____
ANNE K. BINGAMAN
Assistant Attorney General

_____/s/_____
WILLIAM C. MCMURREY

_____/s/_____
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_____/s/_____
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