

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA	)	Filed: 05/21/98
	)	
v.	)	Criminal No.: 398-CR-205-G
	)	
C&S NEWS AGENCY, INC.,	)	15 U.S.C. § 1
	)	
	)	Judge Fish
Defendant.	)	

INFORMATION

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

I

DESCRIPTION OF THE OFFENSE

1. C&S NEWS AGENCY, INC., is made a defendant on the charge stated below.
2. Beginning at least as early as early 1994 and continuing at least through late 1995, the exact dates being unknown to the United States, the defendant and co-conspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by allocating territories and customers for the sale and distribution of magazines and other periodicals in the Waxahachie and Dallas/Fort Worth, Texas, areas. The charged combination and

conspiracy unreasonably restrained interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

3. The combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and co-conspirators, the substantial terms of which were to allocate territories and customers for the sale and distribution of magazines and other periodicals in the Waxahachie and Dallas/Fort Worth areas.

4. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and co-conspirators did the following things, among others:

- (a) discussed allocating and agreed to allocate certain territories among themselves;
- (b) discussed allocating and agreed to allocate certain customers among themselves;
- (c) discussed refraining and agreed to refrain from soliciting customers within each other's designated territories; and
- (d) carried out their agreement.

## II

### DEFENDANT AND CO-CONSPIRATORS

5. The defendant is a corporation organized and existing under the laws of the State of Texas, with its principal place of business in Waxahachie, Texas. The defendant is engaged in the sale and distribution of magazines and other

periodicals, primarily in the Waxahachie and Dallas/Fort Worth areas in the State of Texas. At all times relevant to this Information, the defendant did business in the Waxahachie and Dallas/Fort Worth areas, selling and distributing magazines and other periodicals to retailers for resale.

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

7. Whenever this Information refers to any act, deed, or transaction of any corporation, it 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

#### TRADE AND COMMERCE

8. Magazines and other periodicals are distributed and sold to retail customers by wholesalers, referred to in the magazine industry as "independent distributors" or "IDs". The defendant and its co-conspirators operated as IDs and were engaged in the business of distributing and selling magazines and other periodicals to retail customers, who in turn sold these magazines and other periodicals to the public.

9. During the period covered by this Information, the defendant and co-conspirators sold and distributed in the State of Texas magazines and other periodicals manufactured and produced outside of the State of Texas. These

magazines and other periodicals were shipped across state lines in a continuous and uninterrupted flow of interstate commerce from their places of manufacture to customers located in Texas.

10. The 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.

#### IV

#### JURISDICTION AND VENUE

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

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

Dated:

\_\_\_\_\_/s/\_\_\_\_\_  
JOEL I. KLEIN  
Assistant Attorney General

\_\_\_\_\_/s/\_\_\_\_\_  
WILLIAM J. OBERDICK  
Acting Chief  
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\_\_\_\_\_/s/\_\_\_\_\_  
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\_\_\_\_\_/s/\_\_\_\_\_  
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