

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA)	
)	Criminal No.: H-96-200
v.)	
)	Filed: [9/30/96]
JERROLD WARREN KILLINGSWORTH,)	
)	Violation:
Defendant.)	15 U.S.C. § 1
		Judge: Atlas

INFORMATION

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

I

DESCRIPTION OF THE OFFENSE

1. Jerrold Warren Killingsworth is hereby made a defendant on the charge stated below.

2. Beginning at least as early as January 1994 and continuing thereafter until at least June 1995, the exact dates being unknown to the United States, the defendant and others entered into and participated in a combination and conspiracy to suppress and restrain competition by raising, fixing, and maintaining prices for the sale of metal building insulation sold to customers in Texas and Louisiana. The combination and conspiracy engaged in by the defendant and co-conspirators in unreasonable restraint of interstate trade and commerce, was in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

3. The charged 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 raise, fix, and maintain prices of metal building insulation sold to customers in Texas and Louisiana.

4. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and co-conspirators did those things that they combined and conspired to do, including, among other things:

- (a) participated in discussions about raising, fixing, and maintaining prices of metal building insulation;
- (b) agreed to raise, fix, and maintain prices established for metal building insulation;
- (c) raised, fixed, and maintained prices for metal building insulation; and
- (d) monitored and enforced compliance with the agreement to raise, fix, and maintain prices for metal building insulation.

II

DEFENDANT AND CO-CONSPIRATORS

5. During the period covered by this Information, the defendant was Vice President of Sales of Hiplax International Corp. d/b/a Brite Insulation, in Houston, Texas and was engaged in the sale and distribution of metal building insulation in Texas and Louisiana. The defendant's duties included establishing the prices of

metal building insulation sold by Hiplax International Corp.
d/b/a Brite Insulation
to customers in Texas and Louisiana.

6. Various individuals and corporations, not made defendants herein, participated as co-conspirators in the offense charged and performed acts and made statements in furtherance thereof.

7. Whenever in this Information reference is made to any act, deed or transaction of a corporation, the allegation means that the corporation engaged in the act, deed or transaction by or through its officers, directors, agents, employees 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. 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.

IV

JURISDICTION AND VENUE

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

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

DATED this _____ day of _____, 1996.

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

_____/s/_____
MARK R. ROSMAN

_____/s/_____
GARY R. SPRATLING
Deputy Assistant Attorney General

_____/s/_____
KAREN J. SHARP

_____/s/_____
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_____/s/_____
GAYNELLE GRIFFIN JONES
United States Attorney

Southern District of Texas