

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA

**FILED**

SEP 19 2008

William B. Guthrie  
Clerk, U.S. District Court

By \_\_\_\_\_  
Deputy Clerk

UNITED STATES OF AMERICA, )

Plaintiff, )

vs. )

KWIK-CHEK FOOD STORES, INC. and )  
JARROD "JUDD" THOMAS, )

Defendants. )

Criminal No. CR 08 - 063 - RAW

Violation: 15 U.S.C. § 1

INDICTMENT

The Federal Grand Jury Charges:

COUNT ONE

CONSPIRACY TO RESTRAIN TRADE

(15 U.S.C. § 1)

I.

DESCRIPTION OF THE OFFENSE

1. Jarrod "Judd" Thomas and Kwik-Chek Food Stores, Inc. are hereby indicted and made defendants on the charge stated below.

2. Beginning at least as early as 2002 and continuing thereafter until at least June 2007, the exact dates being unknown to the Grand Jury, the above-named defendants and others entered into, joined and engaged in a combination and conspiracy to suppress and restrain competition in the retail sale of gasoline and diesel products to customers in Antlers, Oklahoma, in unreasonable restraint of interstate trade and commerce in violation of Section One of the Sherman Act (15 U.S.C. § 1).

## II.

### DEFENDANTS AND CO-CONSPIRATORS

3. Kwik-Chek Food Stores, Inc. is incorporated and exists under the laws of the State of Texas and has its principal place of business in Bonham, Texas. During the period covered by this Count, Kwik-Chek Food Stores, Inc. was engaged in the retail sale and distribution of gasoline and diesel products in Antlers, Oklahoma.

4. During the period covered by this Count, Jarrod "Judd" Thomas was an agent of Kwik-Chek Food Stores, Inc., and was engaged in the retail sale and distribution of gasoline and diesel products in Antlers, Oklahoma.

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

6. Whenever in this Count 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

7. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendants and co-conspirators, the substantial term of which was to raise, fix and maintain retail prices of gasoline and diesel products sold to customers in Antlers, Oklahoma.

8. For the purpose of forming and carrying out the charged combination and conspiracy, the defendants and co-conspirators performed the following acts, among others:

- (a) discussed retail prices being charged for gasoline and diesel products sold to customers in Antlers, Oklahoma;

- (b) agreed to raise, fix and maintain retail prices for gasoline and diesel products sold to customers in Antlers, Oklahoma; and
- (c) raised, fixed and maintained retail prices for gasoline and diesel products sold to customers in Antlers, Oklahoma.

**IV.**

**INTERSTATE TRADE AND COMMERCE**

9. During the period covered by this Count, substantial quantities of gasoline and diesel products were purchased by the defendants and co-conspirators from suppliers located outside the State of Oklahoma and transported into the State of Oklahoma.

10. The business activities of the defendants and co-conspirators that are the subject of this Count were within the flow of, and substantially affected, interstate trade and commerce.

**V.**

**JURISDICTION AND VENUE**

11. The combination and conspiracy charged in this Count was formed and carried out, in part, within the Eastern District of Oklahoma within the five years preceding the filing of this Indictment.

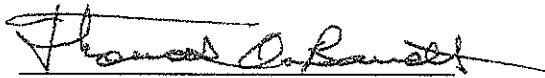
ALL IN VIOLATION OF TITLE 15 U.S.C. § 1.

DATED this 19 day of September, 2008.

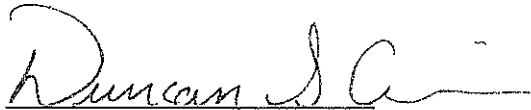
A TRUE BILL:

**Pursuant to the E-Government Act,  
the original indictment has been filed  
under seal in the Clerk's Office.**

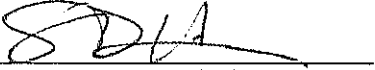
**s / Foreperson  
FOREPERSON OF THE GRAND JURY**



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