

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	<b>Criminal No: SA98CR426OG</b>
	)	
<b>v.</b>	)	
	)	<b>Filed: 11/17/98</b>
<b>RICHTER'S BAKERY OF</b>	)	
<b>SAN ANTONIO, INC.,</b>	)	<b>Violation:</b>
	)	<b>15 U.S.C. § 1</b>
<b>Defendant.</b>	)	<b>(Conspiracy to Restrain Trade)</b>

**INFORMATION**

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

**I**

**DESCRIPTION OF THE OFFENSE**

1. Richter's Bakery of San Antonio, Inc. ("Richter's"), as a corporation which has been dissolved pursuant to the laws of the State of Texas and as corporate successor to Richter's Bakery, Inc., is hereby made a defendant pursuant to Art. 7.12, Texas Business Corporation Act, on the charge stated below.

2. Beginning at least as early as 1978 and continuing thereafter until August 1994, 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 eliminate competition by rigging bids for the award and performance of contracts to supply bread and bread products to certain public school districts located in Bexar and Hays Counties in the State of Texas, in unreasonable

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

## II

### **DEFENDANT AND CO-CONSPIRATORS**

3. Richter's is a dissolved Texas corporation made a defendant in accordance with Texas Business Corporation Act, Art. 7.12. During the period covered by this Information, Richter's, through its corporate predecessor, was engaged in the manufacture, sale, and distribution of bread and bread products from its places of business in San Antonio and Austin, Texas.

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 thereof.

5. 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 representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

## III

### **THE CONSPIRACY**

6. During the period covered by this Information, certain public school districts in Bexar and Hays Counties, at various times, invited wholesale baking companies,

including the defendant, to submit competitive bids for the award and performance of contracts to supply bread and bread products. The successful bidders were awarded contracts to furnish bread and bread products to those public school districts for a specified period of time. As a result of the charged combination and conspiracy, the defendant was awarded contracts and furnished bread and bread products to various public school districts.

7. 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:

- (a) to allocate among the corporate conspirators contracts to supply bread and bread products to certain public school districts in Bexar and Hays Counties;
- (b) to refrain from submitting bids or to submit collusive, noncompetitive, and rigged bids to certain public school districts in Bexar and Hays Counties for contracts to supply bread and bread products; and
- (c) to supply bread and bread products to certain public school districts in Bexar and Hays Counties at collusive, noncompetitive, and rigged prices and receive compensation therefor.

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

- (a) discussing among themselves the submission of bids on upcoming contracts to supply bread and bread products to certain public school districts in Bexar and Hays Counties;

- (b) designating which corporate conspirator would be the lowest responsive bidder for contracts to supply bread and bread products to certain public school districts in Bexar and Hays Counties;
- (c) discussing and agreeing upon prices to be submitted on bids for contracts to supply bread and bread products to certain public school districts in Bexar and Hays Counties;
- (d) refraining from bidding or submitting intentionally high, complementary bids for contracts to supply bread and bread products to certain public school districts in Bexar and Hays Counties; and
- (e) supplying bread and bread products to certain public school districts in Bexar and Hays Counties at noncompetitive prices and receiving compensation therefor.

#### IV

#### **TRADE AND COMMERCE**

9. During the period covered by this Information, substantial quantities of ingredients, supplies, and equipment used to manufacture, process, and package bread and bread products were purchased by the defendant and co-conspirators from suppliers located outside the State of Texas and transported into the State of Texas for sale pursuant to the charged conspiracy.

10. 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**

11. The combination and conspiracy charged in this Information was formed and carried out, in part, within the Western District of Texas, San Antonio Division, within the five years preceding the return of this Information.

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

Dated:

\_\_\_\_\_/s/\_\_\_\_\_  
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