

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

UNITED STATES OF AMERICA)
)
v.)
)
VS HOLDING CO.)
f/k/a ALLIANCE CONCRETE, INC.,)
)
Defendant.)
_____)

Criminal No. *CR11-4091 MWB*
Filed
Violation: 15 U.S.C. § 1

INFORMATION

The United States of America charges:

I. DESCRIPTION OF THE OFFENSE

1. Beginning at least as early as January 2006 and continuing until as late as January 13, 2008 (“the Relevant Period”), 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 fixing prices for sales of ready-mix concrete in the Northern District of Iowa. The combination and conspiracy engaged in by the defendant and co-conspirators was in unreasonable restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

2. 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 fix prices for sales of ready-mix concrete in the Northern District of Iowa.

II. MEANS AND METHODS OF THE CONSPIRACY

3. 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) engaging in discussions in the Northern District of Iowa concerning the conspirators' annual price lists for ready-mix concrete sold in the Northern District of Iowa;
- (b) agreeing during those discussions to set certain prices and price increases for ready-mix concrete sold in the Northern District of Iowa; and
- (c) accepting payment for sales of ready-mix concrete at collusive and noncompetitive prices in the Northern District of Iowa.

III. DEFENDANT AND CO-CONSPIRATORS

4. During the Relevant Period, the defendant was a corporation organized and existing in the State of Iowa with its principal place of business in Orange City, IA. During the Relevant Period, the defendant operated as Alliance Concrete, Inc., and was a producer and seller of ready-mix concrete in the Northern District of Iowa.

5. Another corporation, Company A, a producer and seller of ready-mix concrete in the Northern District of Iowa, along with one or more individuals not made defendants in this Information, participated as co-conspirators in the offense charged in this Information and performed acts and made statements in furtherance thereof.

6. 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, agents, employees, or other representatives while they were actively engaged in the management, direction, control or transaction of its business or affairs.

IV. TRADE AND COMMERCE

7. Ready-mix concrete is a product whose ingredients include cement, aggregate (sand and gravel), water, and, at times, other additives. Ready-mix concrete is used in various types of construction projects, including buildings and roads. Ready-mix concrete generally is produced in a concrete plant and is transported to work sites by concrete-mixer trucks.

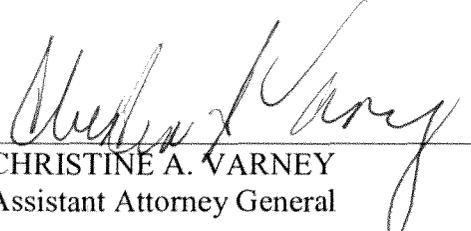
8. During the Relevant Period, substantial quantities of equipment and materials necessary to produce ready-mix concrete, deliveries of ready-mix concrete, and/or payments for ready-mix concrete, traveled in interstate commerce.

9. During the Relevant Period, the business activities of the defendant and its co-conspirators in connection with sales of ready-mix concrete that are the subject of this Information were within the flow of, and substantially affected, interstate commerce.

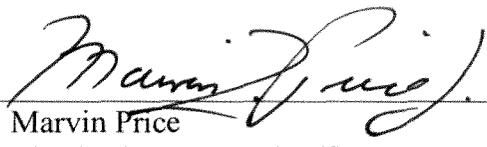
V. JURISDICTION AND VENUE

10. The combination and conspiracy charged in this Information was carried out within the Northern District of Iowa within the five years preceding the date of this Information.

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



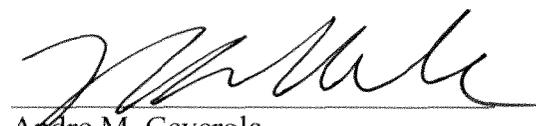
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