

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA)
) Criminal No.: 1:95-CR-240
 v.)
) Filed: **6/7/95**
 JOHNNY A. WEST,)
) Violation:
 Defendant.) 15 U.S.C. § 1

INFORMATION

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

I

DESCRIPTION OF THE OFFENSE

1. Johnny A. West, Chief Executive Officer and Chairman of the Board of Sunrise Carpet Industries, Inc., is hereby made a defendant on the charge stated below.

2. Beginning at least as early as October 1992 and continuing thereafter through at least June 1993, the exact dates being unknown to the United States, the defendant and others entered into and engaged in a combination and conspiracy to fix, raise, and maintain prices of twenty-ounce level-loop polypropylene ("poly") carpet in the United States. The combination and conspiracy, engaged in by the defendant and co-conspirators in unreasonable restraint of interstate trade and commerce, violated 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 fix, raise, and maintain prices of poly carpet to various customers in the United States.

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) agreeing to charge prices above certain levels and otherwise maintain prices on poly carpet sold to various customers in the United States; and
- (b) agreeing to communicate with each other on prices for poly carpet sold to various customers in the United States to maintain such prices and otherwise keep such prices from deteriorating.

II

DEFENDANT AND CO-CONSPIRATORS

5. The defendant became Chief Executive Officer and Chairman of the Board of Sunrise Carpet Industries, Inc. in 1984 and held those positions throughout the period covered by this information. Sunrise Carpet Industries, Inc. was engaged in the manufacture and sale of poly carpet in the United States during the period covered by this information.

6. 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 of it.

7. 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, 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. During the period covered by this information, substantial quantities of poly carpet were shipped from points of origin inside Georgia by the conspirator companies to customers located outside Georgia in a continuous and uninterrupted flow of interstate commerce, including substantial quantities of poly carpet delivered to customers in the United States in connection with the conspiracy charged in this information.

9. During the period covered by this information, substantial quantities of essential raw materials, supplies, and equipment needed by the conspirator companies to manufacture, package, and deliver poly carpet within Georgia, including poly carpet delivered to customers in connection with the conspiracy charged in this information, were shipped into Georgia from points of origin outside Georgia. In addition, money, contracts,

bills, and other forms of business communications were transmitted between locations in Georgia and locations outside Georgia in connection with the purchase and sale of substantial quantities of poly carpet and other essential raw materials, supplies, and equipment needed by the conspirator companies to process, package, and deliver poly carpet within Georgia, including poly carpet delivered to customers in connection with the conspiracy charged in this information.

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.

IV

JURISDICTION AND VENUE

11. The combination and conspiracy charged in this information was carried out, in part, within the Northern District of Georgia, Atlanta Division, within the five years preceding the filing of this information.

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

DATED June 7, 1995.

/S/

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