

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS  
SPRINGFIELD DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

GERALD PETTY d/b/a  
TRI-R-DISPOSAL; and  
LEO CAREY and GRACE CAREY,  
individually and d/b/a  
CAREY'S DISPOSAL SERVICE,

Defendants.

CIVIL NO. 94-3142

Filed: May 31, 1994

COMPLAINT

The United States of America, plaintiff, by its attorneys, acting under the direction of the Attorney General of the United States, brings this civil action to obtain equitable relief against the defendants named herein and complains and alleges as follows:

I.

JURISDICTION AND VENUE

1. This Complaint is filed under Section 4 of the Sherman Act (15 U.S.C. § 4), as amended, in order to prevent and restrain violations by the defendants of Section 1 of the Sherman Act (15 U.S.C. § 1).

2. Each defendant resides in the Central District of Illinois within the meaning of 28 U.S.C. § 1391(b).

II.

DEFINITIONS

3. "Waste Services" means any collection, pick-up, hauling, transportation, dumping, recycling, sale or disposal of garbage, trash, rubbish, scrap, by-products or other waste materials.

III.

DEFENDANTS

4. Defendant Gerald Petty operates a waste services business as a sole proprietor under the name Tri-R-Disposal in and around Christian County, Illinois (hereinafter the "Christian County area").

5. Defendants Leo Carey and Grace Carey operate a waste services business as sole proprietors under the name Carey's Disposal Service in and around the Christian County area.

IV.

TRADE AND COMMERCE

6. During the period covered by this complaint, each of the defendants engaged in the business of providing waste services to residential and commercial customers in and around the Christian County area.

7. The defendants' business activities are within the flow of and substantially affect interstate commerce.

V.

VIOLATION ALLEGED

8. Beginning at least as early as September 26, 1993, and

continuing until on or about November 7, 1993, the defendants engaged in a continuing combination and conspiracy in unreasonable restraint of trade and commerce in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

9. The combination and conspiracy consisted of a continuing agreement, understanding and concert of action among the defendants to use joint advertising to facilitate a coordinated increase in the rates charged for waste services in the Christian County area.

10. For the purpose of forming and carrying out the aforesaid combination and conspiracy, the defendants did the following things, among others:

- (a) disseminated information among themselves relating to possible rate increases; and
- (b) jointly advertised rates for their waste services.

#### VI.

#### EFFECTS

11. The combination and conspiracy had an effect on interstate commerce in that competition among the defendant waste services businesses was unreasonably restrained and consumers of waste services were deprived of the benefits of free and open competition in the sale of waste services.

#### VII.

#### CLAIM FOR EQUITABLE RELIEF

12. The illegal agreement, combination and conspiracy

alleged in this complaint is likely to recur unless the injunctive relief prayed for herein is granted.

VIII.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays:

(a) that the Court adjudge and decree that defendants have engaged in an unlawful agreement, combination and conspiracy in unreasonable restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act;

(b) that for a period of ten years the Court enjoin each defendant, its agents, employees, successors and assigns, and all other persons acting or claiming to act under, through or for any defendant, from:

(i) advertising, publishing, announcing or disseminating any rate or rate increase for any waste service jointly or in concert or in connection with any other defendant or any person engaged in providing waste services; and

(ii) directly or indirectly disclosing to any other defendant or any other person engaged in providing waste services any rate prior to its having been disclosed to the general public;

(c) That each defendant be required to institute a compliance program;

(d) That for ten years after the entry of the Final

Judgment, on or before its anniversary date, each defendant shall file with plaintiff an annual declaration reporting that such defendant has complied with the terms of the Final Judgment and has engaged in no activities of the type prohibited by the Final Judgment; and

(e) That this Court order such other and further relief as the nature of the case may require and that the Court deems just and proper.

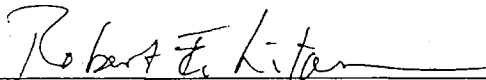
Dated:



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