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UNITED STATES OF AMERICA, :
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 Plaintiff, :
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 v. :
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 COMPOSITION ROOFERS & WATERPROOFERS :
 EMPLOYERS ASSOCIATION OF NEW YORK :
 CITY AND VICINITY; : Civil No. 75 C 1275
 LONG ISLAND & BROOKLYN ROOFING & SHEET :
 METAL CONTRACTORS ASSOCIATION, INC.; : Filed: August. 8, 197
 NASSAU & SUFFOLK ROOFING AND SHEET METAL :
 EMPLOYERS ASSOCIATION, INC.; :
 SHEET METAL & AIR CONDITIONING CONTRACTORS' :
 NATIONAL ASSOCIATION, NEW YORK CITY :
 CHAPTER, INC.; and :
 SHEET METAL & ROOFERS EMPLOYERS :
 ASSOCIATION OF SOUTHEASTERN NEW YORK, :
 INC., :
 Defendants. :

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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 above-named defendants and complains and alleges as follows:

I

JURISDICTION AND VENUE

1. This complaint is filed and this action is instituted under Section 4 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. §4), commonly known as the Sherman Act, in order to prevent and restrain the continuing violation by the defendants, as hereinafter alleged, of Section 1 of said Act (15 U.S.C. §1).

2. Defendants Composition Roofers & Waterproofers Employers Association of New York City and Vicinity, Long Island & Brooklyn Roofing & Sheet Metal Contractors Association, Inc. and Nassau & Suffolk Roofing and Sheet Metal Employers Association, Inc. maintain offices, transact business, and are found in the Eastern District of New York.

II

DEFENDANTS

3. Composition Roofers & Waterproofers Employers Association of New York City and Vicinity is made a defendant herein. It is an unincorporated membership association with its principal office in Staten Island, New York.

4. The following corporations are made defendants herein. Each is a membership corporation organized and existing under the laws of the State of New York:

<u>Corporation</u>	<u>Principal Place of Business</u>
Long Island & Brooklyn Roofing & Sheet Metal Contractors Association, Inc.	Mineola, New York
Nassau & Suffolk Roofing and Sheet Metal Employers Association, Inc.	Garden City, New York
Sheet Metal & Air Conditioning Contractors' National Association, New York City Chapter, Inc.	New York, New York
Sheet Metal & Roofers Employers Association of Southeastern New York, Inc.	Yorktown Heights, New York

III

CO-CONSPIRATORS

5. Various persons not made defendants herein participated as co-conspirators in the violation alleged herein and performed acts and made statements in furtherance thereof. These include individuals, partnerships and corporations who have been members of one or more of the defendants during all or part of the period covered by this complaint.

IV

TRADE AND COMMERCE

6. Each of the defendants is an association of individuals, partnerships and corporations engaged in the business of contracting for the installation of roofs on residential, commercial, industrial and institutional structures and the fabrication of sheet metal in connection with roofing installation. Members of the defendants are located and do business within an area comprising the City of New York and the Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster and Westchester in the State of New York and Hudson County in the State of New Jersey. They normally provide their customers a guarantee on both labor and materials as part of the contract for roofing installation.

7. Substantial quantities of materials and supplies utilized in roofing installation by the members of each of the defendants are regularly sold and shipped to them in a continuous and uninterrupted flow of interstate commerce by manufacturers and suppliers located outside the State of New York.

V

VIOLATION ALLEGED

8. Since in or about 1967 and continuing thereafter up to and including the date of the filing of this complaint, the defendants and co-conspirators have engaged in a combination and conspiracy to eliminate and suppress competition in the installation of roofs in unreasonable restraint of the aforesaid interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1). Said combination and conspiracy is continuing and will continue unless the relief hereinafter prayed for is granted.

9. The aforesaid combination and conspiracy has consisted of a continuing agreement, understanding, and concert of action between and among the defendants and co-conspirators, the substantial terms of which have been and are to eliminate competition in the offer of guarantees on roofing installations, by members of each of the defendants, by:

- (a) fixing and maintaining uniform terms of guarantees;
and
- (b) limiting the duration of guarantees to two years.

10. For the purpose of forming and effectuating the aforesaid combination and conspiracy, the defendants and co-conspirators have, among other things:

- (a) organized the Committee for Roofing and Sheet Metal Guarantee to administer and supervise defendants' uniform guarantee program;
- (b) adopted and issued a printed two-year guarantee form to be used by members of defendants in connection with roofing installation contracts;
- (c) publicized the adoption by the defendants of the uniform guarantee program; and
- (d) induced architects, engineers, contracting officers of government agencies and other construction specification writers to limit to two years the guarantee included in specifications for roofing installation contracts.

VI

EFFECTS

11. The aforesaid combination and conspiracy has had the following effects, among others:

- (a) guarantees by members of the defendants on roofing installation have been fixed, stabilized, and maintained at an artificial and noncompetitive level;
- (b) competition among members of the defendants respecting guarantees has been restrained; and
- (c) homeowners and others contracting for roofing installation from members of the defendants have been deprived of the benefits of free and open competition respecting guarantees.

PRAYER

WHEREFORE, the plaintiff prays:

1. That the Court adjudge and decree that each of the defendants and co-conspirators has engaged in an unlawful combination and conspiracy in restraint of the aforesaid interstate trade and commerce in violation of Section 1 of the Sherman Act.

2. That the Court order each of the defendants to take necessary measures to rescind all limitations on guarantees its members may give or offer their customers.

3. That the Court order each of the defendants to take such action as may be necessary to dissolve the Committee for Roofing and Sheet Metal Guarantee.

4. That each of the defendants, its successors, transferees, assigns, and officers, directors, agents, and employees thereof, and every other person acting or claiming to act on behalf thereof, be perpetually enjoined and restrained from, in any manner, directly or indirectly:

- (a) continuing, maintaining, or renewing the combination and conspiracy hereinbefore alleged, or from engaging in any other combination or conspiracy having a similar purpose or effect or from adopting or following any practice, plan, program, or device having a similar purpose or effect; and

- (b) entering into any agreement, arrangement, or understanding with any person engaged in the roofing or sheet metal fabrication business to raise, fix, stabilize, or maintain prices, terms, or conditions of sale for the installation of roofs or for other services.


5. That the Court order each of the defendants to send a copy of the Final Judgment entered in this action to each of its members and, for a period of five years after entry of a Final Judgment in this action, to furnish a copy of such Final Judgment to each person who becomes a member.

6. That the Court order the defendants to take such steps as may be necessary to inform each person who previously received notification by mail of defendants' uniform guarantee program:

- (a) that the limitations on guarantees, as previously announced, have been rescinded;
- (b) that each of its members is free to determine terms of sale, including the terms of guarantees; and
- (c) that each such member is free to charge, give, or offer for services such prices, terms, or conditions as such member may desire.

7. That the plaintiff have such other, further, general, and different relief as the case may require and the Court may deem just and proper under the circumstances.

8. That the plaintiff recover the costs of this suit.


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