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12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA, ) Civil No. 81-0951-RJK(Kx)  
15 )  
16 Plaintiff, ) Filed: February 25, 1981  
17 )  
18 v. ) [Equitable Relief Complaint  
19 ) For Violation of Section 1  
20 BEVEN-HERRON, INC., and ) of the Sherman Act,  
21 SIMPSON MANUFACTURING CO., INC., ) 15 U.S.C. § 1]  
22 )  
23 Defendants. )

24 COMPLAINT

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

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I

JURISDICTION AND VENUE

1. This complaint is filed and these proceedings are instituted under Section 4 of the Sherman Act (15 U.S.C. § 4), in order to prevent and restrain the continuing violation by the defendants, as hereinafter alleged, of Section 1 of that Act (15 U.S.C. § 1).

2. Each of the defendants maintains an office, transacts business, and is found within the Central District of California.

3. The continuing violation alleged herein has been carried out, in part, within the Central District of California within the jurisdiction of this Court.

II

DEFINITIONS

4. As used herein, the term:

(a) "Panelized roof construction" means a construction process utilizing structural glued laminated timber in the construction of roofs for commercial and industrial buildings;

(b) "Person" or "persons" means any natural person, firm, partnership, association, or corporation;

///

1 (c) "Roof construction company" means any business or  
2 legal entity primarily engaged in providing the  
3 engineering, labor and/or materials relating to  
4 panelized roof construction to general contractors  
5 and/or owners of commercial or industrial building  
6 construction projects; and

7  
8 (d) "Southern California" means the counties of Imperial,  
9 Los Angeles, Orange, Riverside, San Bernardino, San  
10 Diego, Santa Barbara, and Ventura in the State of  
11 California.

12 III

13 DEFENDANTS

14  
15 5. Beven-Herron, Inc. (hereinafter "Beven-Herron"), is hereby  
16 made a defendant herein. Beven-Herron is a corporation organized  
17 and existing under the laws of the State of California, with its  
18 principal place of business in La Mirada, California. Beven-Herron  
19 is a roof construction company engaged in panelized roof  
20 construction in Southern California.

21  
22 6. Simpson Manufacturing Co., Inc. (hereinafter "Simpson"), is  
23 hereby made a defendant herein. Simpson is a corporation organized  
24 and existing under the laws of the State of California, with its  
25 headquarters in San Leandro, California, and branch offices located  
26 in Brea, California and Phoenix, Arizona. Simpson is a roof  
27 construction company engaged in panelized roof construction in  
28 Southern California.



1 11. Between 1977 and 1979 the defendants had total sales in  
2 excess of \$100 million from panelized roof construction for  
3 commercial and industrial buildings in Southern California.  
4

5 12. In the course of performing said contracts, there was a  
6 substantial, continuous, and uninterrupted flow in interstate  
7 commerce of structural glued laminated timber and other essential  
8 materials transported by the defendants or their suppliers from  
9 states other than California for use by panelized roof construction  
10 companies in the construction of roofs for industrial and commercial  
11 buildings in Southern California. The structural glued laminated  
12 timber which is the subject of the violation alleged herein was  
13 essential to the development and construction of industrial and  
14 commercial building projects in Southern California. The activities  
15 of the defendants in carrying out the violation alleged herein were  
16 within the flow of interstate commerce and had a substantial effect  
17 on interstate commerce.  
18

19 VI

20 VIOLATION ALLEGED  
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22 13. From at least 1976 and continuing thereafter until at least  
23 July 1980, the exact dates being to the plaintiff unknown, in the  
24 Central District of California, and elsewhere, the defendants  
25 herein, and co-conspirators, engaged in a continuing combination and  
26 conspiracy to suppress and eliminate competition in the panelized  
27 roof construction of industrial and commercial building projects in  
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1 unreasonable restraint of the above-described interstate trade and  
2 commerce in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1

3  
4 14. The aforesaid combination and conspiracy consisted of a  
5 continuing agreement, understanding, and concert of action among the  
6 defendants and co-conspirators, the substantial terms of which were:

7  
8 (a) to allocate among themselves contracts for  
9 panelized roof construction for industrial and  
10 commercial building projects in Southern  
11 California;

12  
13 (b) to submit collusive, noncompetitive, and rigged  
14 bids for the panelized roof construction contracts  
15 for said industrial and commercial building  
16 projects; and

17  
18 (c) to fix the prices to be bid for the panelized roof  
19 construction contracts for said industrial and  
20 commercial building projects.

21  
22 15. For the purpose of forming and effectuating the aforesaid  
23 combination and conspiracy, the defendants and co-conspirators did  
24 those things which, as hereinbefore alleged, they combined and  
25 conspired to do, including among other things:

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- 1 (a) discussing prospective industrial and commercial  
2 building projects and the submission of bids for  
3 the panelized roof construction thereof;  
4
- 5 (b) designating by agreement the low bidder for  
6 panelized roof construction contracts for  
7 industrial and commercial building projects;  
8
- 9 (c) exchanging information concerning the amounts or  
10 ranges of bids for panelized roof construction  
11 contracts for industrial and commercial building  
12 projects;  
13
- 14 (d) agreeing among themselves on the prices to be  
15 submitted for bids on panelized roof construction  
16 contracts for commercial and industrial building  
17 projects; and  
18
- 19 (e) submitting intentionally high or complementary  
20 bids, or withholding bids, for the panelized roof  
21 construction contracts for industrial and  
22 commercial building projects allocated to the  
23 other defendant.

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VII  
EFFECTS

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4 16. The aforesaid combination and conspiracy alleged herein has  
5 had the following effects, among others:

- 6  
7 (a) prices for panelized roof construction of  
8 industrial and commercial building projects in  
9 Southern California have been fixed at artificial  
10 and noncompetitive levels;  
11  
12 (b) competition for panelized roof construction of  
13 industrial and commercial building projects in  
14 Southern California has been restrained,  
15 suppressed and eliminated; and  
16  
17 (c) customers have been denied the benefits of free  
18 and open competition in contracting for panelized  
19 roof construction of industrial and commercial  
20 building projects in Southern California.  
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22 PRAYER

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24 WHEREFORE, the plaintiff prays:

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26 1. That the Court adjudge and decree that the defendants and  
27 co-conspirators have engaged in an unlawful combination and

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1 conspiracy in restraint of the aforesaid interstate trade and  
2 commerce in violation of Section 1 of the Sherman Act (15 U.S.C.  
3 § 1).

4  
5 2. That each defendant, including any subsidiaries or divisions  
6 thereof, its directors, employees, agents, successors and assigns,  
7 and all persons acting or claiming to act on behalf thereof be  
8 perpetually enjoined and restrained from directly or indirectly:

9  
10 (a) continuing, maintaining, or renewing the  
11 combination and conspiracy alleged in this  
12 complaint, engaging in the conduct alleged in  
13 paragraphs 13 through 15 of this complaint, or  
14 engaging in any other combination, conspiracy,  
15 contract, agreement, understanding, or concert of  
16 action having a similar purpose or effect, or  
17 adopting or following any practice, plan,  
18 program, or device having a similar purpose or  
19 effect;

20  
21 (b) entering into any combination, conspiracy,  
22 agreement, arrangement, understanding, or concert  
23 of action to raise, fix, maintain, or stabilize  
24 prices or other terms or conditions of bids or  
25 sales of panelized roof construction; and

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27 (c) communicating any information concerning prices,  
28 markups, or terms or conditions of bids or sales


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to any person engaged in panelized roof  
construction.

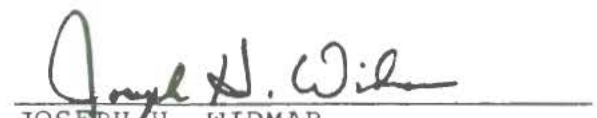
3. That the plaintiff have such other, further, and different  
relief as the case may require and the Court may deem just and  
proper.

4. That the plaintiff recover the costs of this action.

Dated:

  
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