

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARGO GASOLINE CO.;  
CARGO SERVICE STATIONS, INC.;  
CARSE OIL COMPANY, INC.;  
COLONIAL SERVICE STATIONS, INC.;  
EASTERN OIL COMPANY;  
GATE PETROLEUM COMPANY;  
THE IMPERIAL FLORIDA OIL COMPANY;  
KEY PETROLEUM, INC.;  
STAR SERVICE & PETROLEUM COMPANY;  
SUPER TEST OIL & GAS COMPANY;  
TAMPA WHOLESALE COMPANY;  
T. D. McRAE, INCORPORATED; and  
UNITED PETROLEUM, INC.,

Defendants.

Civil Action No.

79-846-CIV-J-B

Filed:

September 27, 1979

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

2. Each of the defendants transacts business and is found within the Middle District of Florida. The combination

and conspiracy hereinafter alleged has been, in part, formed or carried out within the Middle District of Florida, and within the jurisdiction of this Court.

II

DEFENDANTS

3. The corporations named below are hereby made defendants herein. Each of these corporations is organized and exists under the laws of the state, and has its principal place of business in the city, indicated:

<u>Corporation</u>	<u>State of Incorporation</u>	<u>Principal Place of Business</u>
Cargo Gasoline Co.	Florida	Tampa, Florida
Cargo Service Stations, Inc.	Florida	Tampa, Florida
Carse Oil Company, Inc.	Florida	Orlando, Florida
Colonial Service Stations, Inc.	Florida	Jacksonville, Florida
Eastern Oil Company	Florida	Tampa, Florida
Gate Petroleum Company	Florida	Jacksonville, Florida
The Imperial Florida Oil Company	Florida	Orlando, Florida
Key Petroleum, Inc.	Alabama	Mango, Florida
Star Service & Petroleum Company	Illinois	St. Louis, Missouri
Super Test Oil & Gas Company	Florida	Jacksonville, Florida
Tampa Wholesale Company	Florida	Tampa, Florida
T. D. McRae, Incorporated	Florida	Tampa, Florida
United Petroleum, Inc.	Florida	Tampa, Florida

During all or part of the period covered by this complaint, each of these defendants was engaged in the retail marketing of gasoline in Florida, including the Middle District of Florida.

### III

#### CO-CONSPIRATORS

4. Various corporations and individuals not made defendants in this complaint, including the Florida Independent Gasoline Marketers Association (hereinafter "FIGMA"), participated as co-conspirators in the violation alleged herein and performed acts and made statements in furtherance thereof.

### IV

#### TRADE AND COMMERCE

5. During the period covered by this complaint, each of the defendants was engaged in the retail marketing of gasoline in Florida either directly through outlets it operated or through other outlets at which it controlled the retail prices. During the period covered by this complaint, the defendants had total retail gasoline sales in Florida of approximately 1.1 billion gallons valued at approximately \$600 million.

6. During the period covered by this complaint, substantial quantities of gasoline manufactured in states other than Florida were transported to Florida and sold by the defendants and co-conspirator corporations, in a continuous and uninterrupted flow of interstate commerce, to retail customers located in Florida. During that period,

the defendants and co-conspirator corporations sold gasoline in Florida to retail customers travelling in interstate commerce, which sales affected a substantial amount of that commerce.

V

VIOLATION ALLEGED

7. Beginning at least as early as January 1975, and continuing at least through December 1977, the exact dates being unknown to the plaintiff, the defendants and co-conspirators engaged in a continuing combination and conspiracy in unreasonable restraint of the aforesaid interstate trade and commerce in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1. The aforesaid combination and conspiracy may continue or recur unless the relief herein prayed for is granted.

8. The aforesaid combination and conspiracy consisted of a continuing agreement, understanding and concert of action among the defendants and co-conspirators, the substantial terms of which were to fix, raise, maintain and stabilize retail prices of gasoline in Florida.

9. In formulating and effectuating the aforesaid combination and conspiracy, the defendants and co-conspirators did those things which they combined and conspired to do, including, among other things, the following:

- (a) using FIGMA as a central communications vehicle for collusively coordinating retail price increases and resolving pricing differences;

- (b) telephoning or otherwise contacting one another to collusively coordinate retail price increases and resolve pricing differences;
- (c) telephoning or otherwise contacting one another to enforce compliance with agreed-upon retail price increases; and
- (d) meeting to discuss pricing strategies, to collusively coordinate the increase of retail prices and to discuss methods of improving price coordination efforts.

#### VI

#### EFFECTS

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

- (a) prices of gasoline in Florida have been raised to and maintained and stabilized at artificial and non-competitive levels;
- (b) consumers have been deprived of the benefits of free and open competition in the sale of gasoline in Florida; and
- (c) competition among the defendants and co-conspirators in the sale of gasoline in Florida has been restrained.

#### PRAYER

WHEREFORE, the plaintiff prays:

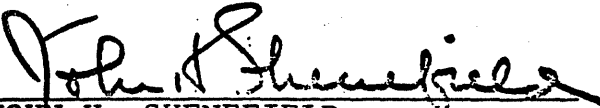
1. That the Court adjudge and decree that the defendants have engaged in an unlawful combination and conspiracy in

restraint of the aforesaid interstate trade and commerce,  
in violation of Section 1 of the Sherman Act.

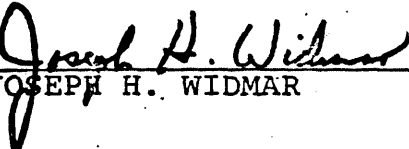
2. That each of the defendants, its subsidiaries, successors, assigns, transferees, and the respective officers, directors, employees and agents thereof, and all persons acting or claiming to act on its behalf, be permanently enjoined from continuing, maintaining or renewing the aforesaid combination and conspiracy, and from engaging in any other combination, conspiracy, agreement or understanding having a similar purpose or effect.

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

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

  
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