

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**UNITED STATES OF AMERICA** ) **Criminal No.: W95CR114**  
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                                )  
                                ) **Filed: [12/15/95]**  
                                )  
**v.**                            ) **Violation: 15 U.S.C. § 1**  
                                )  
**LAKE COUNTRY OPTOMETRIC SOCIETY,** )  
                                )  
                                ) **Judge: S mith**  
                                )  
                                )  
**Defendant.**

**INFORMATION**

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

**I.**

**DESCRIPTION OF THE OFFENSE**

1.     Lake Country Optometric Society is hereby made a defendant on the charge stated below.
  
2.     Beginning as early as November 1992 and continuing thereafter until at least February 1994, the exact dates being unknown to the United States, the defendant and others entered into and participated in a combination and conspiracy to suppress and eliminate competition in providing optometric services to patients in central Texas, in unreasonable restraint of interstate trade and commerce, in violation of 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 raise, fix, maintain, and stabilize the price of eye examinations.

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) meeting to discuss the prices being charged for eye examinations;
- (b) discussing the price to be charged for eye examinations;
- (c) agreeing, in the course of those discussions, to raise the price to be charged for eye examinations;
- (d) agreeing to adhere to the price discussed during the meeting; and
- (e) monitoring and enforcing compliance with the agreement to adhere to the established price.

## II.

### **DEFENDANT AND CO-CONSPIRATORS**

5. The Lake Country Optometric Society is an unincorporated trade association composed of licensed optometrists who perform, among other things, eye examinations in central Texas.

6. Various individuals and corporations, not made defendants herein, participated as co-conspirators in the offense charged and performed acts and made statements in furtherance thereof.

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, 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. 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**

9. The combination and conspiracy charged in this information was carried out, in part, within the Western District of Texas, within the five years preceding the filing of this information.

Dated:

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"s/"

JOEL I. KLEIN  
Acting Assistant Attorney General  
Antitrust Division

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"s/"

GREGORY S. GLOFF

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"s/"

GARY R. SPRATLING  
Deputy Assistant Attorney General

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"s/"

GLENN A. HARRISON

Attorneys  
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Thanksgiving Tower

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"s/"

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