

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
) IP 05 - 63- CR-01M/ F
v.)
) FILED: April 28, 2005
)
LARRY L. LEE,) Violation: 15 U.S.C. § 1
) Defendant.)

INFORMATION

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

I.

DESCRIPTION OF THE OFFENSE

1. LARRY L. LEE (“Defendant”) is hereby made a defendant on the charge stated below.
2. Beginning in or about February 2003 and continuing until approximately June 2004, Defendant and his co-conspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by fixing the prices at which ready mixed concrete was sold in the Indiana counties of Bartholomew, Jackson, and Jennings. The combination and conspiracy engaged in by Defendant and his co-conspirators was 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 Defendant and his co-conspirators, the substantial terms of which were to suppress and eliminate competition by maintaining and increasing the prices at which ready mixed concrete was sold in the Indiana counties of Bartholomew, Jackson,

and Jennings.

4. For the purpose of forming and carrying out the charged combination and conspiracy, Defendant and co-conspirators did those things that they combined and conspired to do, including, among other things:

- (a) engaging in discussions regarding the prices at which each would sell ready mixed concrete;
- (b) agreeing during those discussions to specific price increases for ready mixed concrete and to the timing of those price increases;
- (c) issuing price announcements and/or price quotations in accordance with the agreements reached;
- (d) selling ready mixed concrete pursuant to those agreements at collusive and noncompetitive prices; and
- (e) accepting payment for ready mixed concrete sold at the agreed-upon collusive and noncompetitive prices.

II.

DEFENDANT AND CO-CONSPIRATORS

5. During the time period covered by this Information, Defendant was employed by a ready mixed concrete manufacturer (“Company A”) that was organized and existing under the laws of Indiana. During the time period covered by this Information, Company A was engaged in the business of producing and selling ready mixed concrete in the Indiana counties of Bartholomew, Jackson, and Jennings. During the time period covered by this Information, Defendant was President of Company A and was responsible for determining the price at which ready mixed concrete was sold by the company.

6. Various co-conspirators, not made defendants in this Information, participated in the offense charged herein 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, employees, 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. Ready mixed concrete is a product whose ingredients include cement, aggregate (sand and gravel), water, and, at times, other additives. Ready mixed concrete is made on demand and, if necessary, is shipped to work sites by concrete mixer trucks. Ready mixed concrete is purchased by do-it-yourself customers, commercial customers, as well as local, state, and federal governments for use in various construction projects, including, but not limited to, sidewalks, driveways, bridges, tunnels, and roads. During the time period covered by this Information, Company A sold at least \$7 million worth of ready mixed concrete that was affected by the conspiracy to customers in the Indiana counties of Bartholomew, Jackson, and Jennings.

9. During the time period covered by this Information, the corporate conspirators purchased substantial quantities of equipment and supplies necessary to the production and distribution of ready mixed concrete in a manner substantially affecting interstate commerce.

10. During the time period covered by this Information, the business activities of the

corporate conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

IV.

JURISDICTION AND VENUE

11. The combination and conspiracy charged in this Information was carried out, in part, in the Southern District of Indiana within the five years preceding the filing of this Information.

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

Dated: April 28, 2005

/s/

R. HEWITT PATE
Assistant Attorney General
Antitrust Division

/s/

MARVIN N. PRICE, JR.
Chief, Midwest Field Office
Antitrust Division

/s/

SCOTT D. HAMMOND
Deputy Assistant Attorney General
Antitrust Division

/s/

JONATHAN A. EPSTEIN

/s/

MARC SIEGEL
Director of Criminal Enforcement
Antitrust Division

/s/

FRANK J. VONDRAK

/s/

MICHAEL W. BOOMGARDEN

Attorneys
Antitrust Division - U.S. Dept. of Justice
209 S. LaSalle Street, Suite 600
Chicago, IL 60604

Telephone: (312) 353-7530
Facsimile: (312) 353-1046