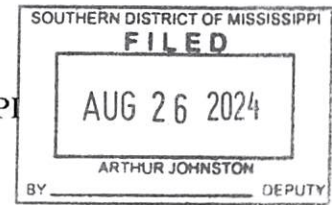


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION



UNITED STATES OF AMERICA

v.

CRIMINAL NO. **3:24-cr-84-HTW-ASH**

BRADLEY DAVID WILLCUTT

15 U.S.C. § 1

CRIMINAL INFORMATION

The United States Attorney charges:

1. **BRADLEY DAVID WILLCUTT** as a defendant on the charges stated below.

At the times relevant to this Information:

BACKGROUND

2. **BRADLEY DAVID WILLCUTT** was employed as a sales professional by COMPANY-6, engaged in the sale of sports equipment to schools throughout the Southern District of Mississippi and elsewhere.

3. **BRADLEY DAVID WILLCUTT** knew that public schools in Mississippi require bids from two separate companies for procurements over \$5,000.00.

4. Schools generally procured sports equipment through the process of requesting and obtaining bids from multiple companies and would typically award a contract for sports equipment to the company that submitted the lowest bid.

CO-CONSPIRATORS

5. COMPANY-1, a company organized under the laws of Louisiana, with its principal place of business in Louisiana, was a distributor of sports equipment engaged in selling sports equipment in the Southern District of Mississippi and elsewhere.

6. COMPANY-2, a company organized under the laws of Delaware, with its principal place of business in Illinois, was a manufacturer and distributor of sports equipment engaged in selling sports equipment in the Southern District of Mississippi and elsewhere.

7. COMPANY-3, a company organized under the laws of Tennessee, with its principal place of business in Tennessee, was a retailer and distributor of sports equipment engaged in selling sports equipment in the Northern District of Mississippi and elsewhere.

8. COMPANY-4, a company organized under the laws of Mississippi, with its principal place of business in Mississippi, was a retailer and distributor of sports equipment engaged in selling sports equipment in the Southern District of Mississippi and elsewhere

9. COMPANY-5, a company organized under the laws of Mississippi, with its principal place of business in Mississippi, was a retailer and distributor of sports equipment engaged in selling sports equipment in the Southern District of Mississippi and elsewhere.

10. COMPANY-6, a company organized under the laws of Mississippi, with its principal place of business in Mississippi, was a retailer and distributor of sports equipment engaged in selling sports equipment in the Southern District of Mississippi and elsewhere.

11. CO-CONSPIRATOR-1 was the owner of COMPANY-1.

12. CO-CONSPIRATOR-2 was employed as a part of the administrative support staff by COMPANY-6.

13. CO-CONSPIRATOR-3 was employed as a sales professional by COMPANY-6.

14. CO-CONSPIRATOR-4 was employed as a sales professional by COMPANY-6.

15. CO-CONSPIRATOR-5 was employed as a part of the administrative support staff by COMPANY-6.

16. CO-CONSPIRATOR-6 was employed as a sales professional by COMPANY-6, and then later was a part-owner of COMPANY-6.

17. Charles Ferrell Trimm was employed as a sales professional by COMPANY-2.

18. CO-CONSPIRATOR-7 was employed as a part of the administrative support staff by COMPANY-6.

19. CO-CONSPIRATOR-8 was employed as a sales professional by COMPANY-6.

20. CO-CONSPIRATOR-9 was employed as a sales professional by COMPANY-6.

21. CO-CONSPIRATOR-10 was a part-owner of COMPANY-3.

22. CO-CONSPIRATOR-11 was employed as a financial manager by COMPANY-3.

23. CO-CONSPIRATOR-12 was a part-owner of COMPANY-3.

24. CO-CONSPIRATOR-13 was employed as a sales professional by COMPANY-4.

DESCRIPTION OF THE OFFENSES

COUNT 1 (15 U.S.C. § 1)

25. Paragraphs 1 through 24 are realleged and incorporated by reference as though fully set forth herein.

26. The relevant period for Count 1 is that period from as least as early as January 2014 through at least as late as July 2023 ("Count 1 relevant period").

27. During the Count 1 relevant period, **BRADLEY DAVID WILLCUTT** knowingly entered into and engaged in a conspiracy with COMPANY-1, CO-CONSPIRATOR-1, CO-CONSPIRATOR-2, CO-CONSPIRATOR-3, CO-CONSPIRATOR-4, CO-CONSPIRATOR-5, CO-CONSPIRATOR-6, and other co-conspirators to suppress and eliminate competition by rigging bids to obtain procurements for sports equipment and related services for schools in the Southern District of Mississippi, Louisiana, and elsewhere, in

violation of the Sherman Antitrust Act, 15 U.S.C. § 1. The conspiracy engaged in by the defendant and co-conspirators was a *per se* unlawful, and thus unreasonable, restraint of interstate trade and commerce in violation of 15 U.S.C. § 1.

28. In furtherance of the conspiracy, **BRADLEY DAVID WILLCUTT** and co-conspirators did, among other things, the following:

- a. agreed in advance of the bids which co-conspirator would win the bid;
- b. agreed to provide and submit complementary bids (that is, intentionally higher-priced bids) to schools;
- c. submitted complementary bids to schools on behalf of COMPANY-6;
- d. received procurements on behalf of COMPANY-6 for school sports equipment and related services where complementary bids were submitted.

29. The conspiracy to rig bids affected at least \$3,497,443.03 of sales to COMPANY-6 from at least 429 procurements. **BRADLEY DAVID WILLCUTT** received commission payments from his employer, COMPANY-6, based on his sales.

30. During the Count 1 relevant period, the business activities of **BRADLEY DAVID WILLCUTT** and his co-conspirators that are the subject of the conspiracy charged in Count 1 were within the flow of, and substantially affected, interstate trade and commerce.

All in violation of Title 15, United States Code, Section 1.

COUNT 2 (15 U.S.C. § 1)

31. Paragraphs 1 through 24 are realleged and incorporated by reference as though fully set forth herein.

32. The relevant period for Count 2 is that period from as least as early as February 2023 through at least as late as May 2023 (“Count 2 relevant period”).

33. During the Count 2 relevant period, **BRADLEY DAVID WILLCUTT** knowingly entered into and engaged in a conspiracy with **COMPANY-2**, Charles Ferrell Trimm, **CO-CONSPIRATOR-3**, **CO-CONSPIRATOR-4**, **CO-CONSPIRATOR-5**, and other co-conspirators to suppress and eliminate competition by rigging bids to obtain procurements for sports equipment and related services sold to schools in the Southern District of Mississippi, in violation of the Sherman Antitrust Act, 15 U.S.C. § 1. The conspiracy engaged in by the defendant and co-conspirators was a *per se* unlawful, and thus unreasonable, restraint of interstate trade and commerce in violation of 15 U.S.C. § 1.

34. In furtherance of the conspiracy, **BRADLEY DAVID WILLCUTT** and co-conspirators did, among other things, the following:

- a. agreed in advance of the bids which co-conspirator would win the bid;
- b. agreed to provide and submit complementary bids (that is, intentionally higher-priced bids) to schools;
- c. provided complementary bids to co-conspirators to submit on behalf of **COMPANY-2**; and

35. The conspiracy to rig bids affected at least \$7,704.95 of sales to **COMPANY-2** from at least one procurement.

36. During the Count 2 relevant period, the business activities of **BRADLEY DAVID WILLCUTT** and his co-conspirators that are the subject of the conspiracy charged in Count 2 were within the flow of, and substantially affected, interstate trade and commerce.

All in violation of Title 15, United States Code, Section 1.

COUNT 3 (15 U.S.C. § 1)

37. Paragraphs 1 through 24 are realleged and incorporated by reference as though fully set forth herein.

38. The relevant period for Count 3 is that period from as least as early as September 2015 through at least as late as August 2020 (“Count 3 relevant period”).

39. During the Count 3 relevant period, **BRADLEY DAVID WILLCUTT** knowingly entered into and engaged in a conspiracy with COMPANY-3, CO-CONSPIRATOR-2, CO-CONSPIRATOR-3, CO-CONSPIRATOR-4, CO-CONSPIRATOR-6, CO-CONSPIRATOR-7, CO-CONSPIRATOR-8, CO-CONSPIRATOR-10, CO-CONSPIRATOR-11, CO-CONSPIRATOR-12, and other co-conspirators to suppress and eliminate competition by rigging bids to obtain procurements for sports equipment and related services for schools in the Southern District of Mississippi and elsewhere, in violation of the Sherman Antitrust Act, 15 U.S.C. § 1. The conspiracy engaged in by the defendant and co-conspirators was a *per se* unlawful, and thus unreasonable, restraint of interstate trade and commerce in violation of 15 U.S.C. § 1.

40. In furtherance of the conspiracy, **BRADLEY DAVID WILLCUTT** and co-conspirators did, among other things, the following:

- a. agreed in advance of the bids which co-conspirator would win the bid;
- b. agreed to provide and submit complementary bids (that is, intentionally higher-priced bids) to schools;
- c. submitted complementary bids to schools on behalf of COMPANY-6;
- d. received procurements on behalf of COMPANY-6 for school sports equipment and related services where complementary bids were submitted.

41. The conspiracy to rig bids affected at least \$269,747.10 of sales to COMPANY-6 from at least 32 procurements. **BRADLEY DAVID WILLCUTT** received commission payments from his employer, COMPANY-6, based on his sales.

42. During the Count 3 relevant period, the business activities of **BRADLEY DAVID WILLCUTT** and his co-conspirators that are the subject of the conspiracy charged in Count 3 were within the flow of, and substantially affected, interstate trade and commerce.

All in violation of Title 15, United States Code, Section 1.

COUNT 4 (15 U.S.C. § 1)

43. Paragraphs 1 through 24 are realleged and incorporated by reference as though fully set forth herein.

44. The relevant period for Count 4 is that period from as least as early as August 2011 through at least as late as July 2023 (“Count 4 relevant period”).

45. During the Count 4 relevant period, **BRADLEY DAVID WILLCUTT** knowingly entered into and engaged in a conspiracy with COMPANY-4, CO-CONSPIRATOR-3, CO-CONSPIRATOR-4, CO-CONSPIRATOR-6, CO-CONSPIRATOR-9, CO-CONSPIRATOR-13, and other co-conspirators to suppress and eliminate competition by rigging bids to obtain procurements for sports equipment and related services for schools in the Southern District of Mississippi and elsewhere, in violation of the Sherman Antitrust Act, 15 U.S.C. § 1. The conspiracy engaged in by the defendant and co-conspirators was a *per se* unlawful, and thus unreasonable, restraint of interstate trade and commerce in violation of 15 U.S.C. § 1.

46. In furtherance of the conspiracy, **BRADLEY DAVID WILLCUTT** and co-conspirators did, among other things, the following:

- a. agreed in advance of the bids which co-conspirator would win the bid;
- b. agreed to provide and submit complementary bids (that is, intentionally higher-priced bids) to schools;
- c. submitted complementary bids to schools on behalf of COMPANY-6;
- d. received procurements on behalf of COMPANY-6 for school sports equipment and related services where complementary bids were submitted.


47. The conspiracy to rig bids affected at least \$190,106.86 of sales to COMPANY-6 from at least 29 procurements. **BRADLEY DAVID WILLCUTT** received commission payments from his employer, COMPANY-6, based on his sales.


48. During the Count 4 relevant period, the business activities of **BRADLEY DAVID WILLCUTT** and his co-conspirators that are the subject of the conspiracy charged in Count 4 were within the flow of, and substantially affected, interstate trade and commerce.

All in violation of Title 15, United States Code, Section 1.


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