

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

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:24CR156

WILDER FITNESS EQUIPMENT INC.

15 U.S.C. § 1

**CRIMINAL INFORMATION**

**The United States Attorney charges:**

1. **WILDER FITNESS EQUIPMENT INC.** as a defendant on the charges stated below.

At the times relevant to this Information:

**BACKGROUND**

2. **WILDER FITNESS EQUIPMENT INC.** was a corporation organized in Mississippi and headquartered in Pontotoc, Mississippi engaged in the production and sale of sports equipment and related services to schools and other government entities throughout the Northern District of Mississippi and elsewhere.

3. **WILDER FITNESS EQUIPMENT INC.**, through its employees and agents, knew that some public schools and government entities in Mississippi require bids from at least two separate companies for procurements over \$5,000.

4. Schools and other government entities 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 Mississippi, with its principal place of business in Mississippi, was a manufacturer and distributor of sports equipment engaged in selling sports equipment in the Northern District of Mississippi and elsewhere.

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

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

8. CO-CONSPIRATOR-1 was the owner of **WILDER FITNESS EQUIPMENT INC.**

9. CO-CONSPIRATOR-2 was employed as a part of the sales and administrative support staff by **WILDER FITNESS EQUIPMENT INC.**

10. CO-CONSPIRATOR-3 was a sales professional for **WILDER FITNESS EQUIPMENT INC.**

11. CO-CONSPIRATOR-4 was employed in a variety of support roles by **WILDER FITNESS EQUIPMENT INC.**

12. CO-CONSPIRATOR-5 was the owner of COMPANY-1.

13. CO-CONSPIRATOR-6 was employed as a sales professional by COMPANY-2.

14. CO-CONSPIRATOR-7 was employed as a sales professional by COMPANY-2.

15. CO-CONSPIRATOR-8 was employed as a sales professional by COMPANY-2.

16. CO-CONSPIRATOR-9 was employed as a sales professional by COMPANY-2.

17. CO-CONSPIRATOR-10 was employed as an athletic performance manager by COMPANY-2.

18. CO-CONSPIRATOR-11 was employed as a sales professional by COMPANY-2.

19. CO-CONSPIRATOR-12 was employed as a sales professional by COMPANY-2.

20. CO-CONSPIRATOR-13 was employed as a sales professional by COMPANY-2.

21. CO-CONSPIRATOR-14 was employed as a sales professional by COMPANY-2.

### **DESCRIPTION OF THE OFFENSES**

#### **COUNT 1 (15 U.S.C. § 1)**

22. Paragraphs 1 through 21 are realleged and incorporated by reference as though fully set forth herein.

23. The relevant period for Count 1 is that period from at least as early as February 2014 through at least as late as September 2022 (“Count 1 relevant period”).

24. During the Count 1 relevant period, **WILDER FITNESS EQUIPMENT INC.**, through CO-CONSPIRATOR-1, CO-CONSPIRATOR-2, CO-CONSPIRATOR-3, and CO-CONSPIRATOR-4, knowingly entered into and engaged in a conspiracy with COMPANY-1, CO-CONSPIRATOR-5, and other co-conspirators to suppress and eliminate competition by rigging bids to obtain procurements for sports equipment and related services for schools and other government entities in the Northern 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.

25. In furtherance of the conspiracy, **WILDER FITNESS EQUIPMENT INC.** and its 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 and other government entities;
- c. submitted complementary bids to schools and other government entities on behalf of **WILDER FITNESS EQUIPMENT INC.**; and
- d. received procurements on behalf of **WILDER FITNESS EQUIPMENT INC.** for sports equipment and related services where complementary bids were submitted.

26. The conspiracy to rig bids affected at least \$1,393,005.05 of sales to **WILDER FITNESS EQUIPMENT INC.** from at least 66 procurements.

27. During the Count 1 relevant period, the business activities of **WILDER FITNESS EQUIPMENT INC.** and its 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)

28. Paragraphs 1 through 21 are realleged and incorporated by reference as though fully set forth herein.

29. The relevant period for Count 2 is that period from as least at early as January 2015 through at least as late as April 2022 (“Count 2 relevant period”).

30. During the Count 2 relevant period, **WILDER FITNESS EQUIPMENT INC.**, through CO-CONSPIRATOR-1 and CO-CONSPIRATOR-2, knowingly entered into and engaged in a conspiracy with COMPANY-2, CO-CONSPIRATOR-6, CO-CONSPIRATOR-7, CO-CONSPIRATOR-8, CO-CONSPIRATOR-9, CO-CONSPIRATOR-10, CO-CONSPIRATOR-11, CO-CONSPIRATOR-12, CO-CONSPIRATOR-13, CO-CONSPIRATOR-14, 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 Northern 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.

31. In furtherance of the conspiracy, **WILDER FITNESS EQUIPMENT INC.** and its co-conspirators did, among other things, the following:

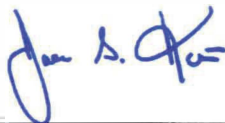
- a. agreed in advance of the bids which co-conspirator would win the bid;
- b. agreed to provide and submit complementary bids (that is, intentionally higher-priced bids) to schools;
- c. submitted complementary bids to schools on behalf of **WILDER FITNESS EQUIPMENT INC.**; and
- d. received procurements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

32. The conspiracy to rig bids affected at least \$580,490.40 of sales to COMPANY-2 from at least 17 procurements.

33. The largest procurement on which the defendant submitted a complementary bid in connection with this conspiracy was in the amount of \$150,863.79.

34. During the Count 2 relevant period, the business activities of **WILDER FITNESS EQUIPMENT INC.** and its 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.



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