

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, ) Civil Action No. 72-1099  
 )  
v. ) Filed: 12/11/72  
 )  
FIRST WASHINGTON NET ) COMPLAINT FOR INJUNCTIVE RELIEF  
FACTORY, INC.; ) FOR VIOLATION OF SECTION 1,  
FNT INDUSTRIES, INC.; and ) TITLE 15, U.S.C. (Sherman  
INDIAN HEAD, INC., ) Antitrust Act)  
 )  
Defendants. )

COMPLAINT

The United States of America, plaintiff, by its attorneys, acting under the direction of the Attorney General of the United States, brings this action against the above-named defendants, and complains and alleges as follows:

I

JURISDICTION AND VENUE

1. This complaint is filed and this action is instituted under Section 4 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. § 4), commonly known as the Sherman Act, in order to prevent and restrain continuing violation by the defendants, as hereinafter alleged, of Section 1 of that Act, as amended (15 U.S.C. § 1).

2. The defendant Indian Head, Inc. transacts business and is found within the Northern District of Alabama, Eastern Division.

II

DEFENDANTS

3. The corporations named below are hereby made

defendants in this complaint. Each of said corporations is organized and exists under the laws of the state indicated and has its principal place of business in the city shown. Within the period of time covered by this complaint, said defendants have sold salmon netting in several states of the United States:

<u>Defendant Corporation</u>	<u>State of Incorporation</u>	<u>Principal Place of Business</u>
First Washington Net Factory, Inc.	Washington	Blaine, Washington
FNT Industries, Inc.	Illinois	Menominee, Michigan
Indian Head, Inc.	Delaware	New York, New York

### III

#### CO-CONSPIRATORS

4. Various corporations and individuals not made defendants in this complaint participated as co-conspirators with the defendants in the violation alleged herein and performed acts and made statements in furtherance thereof.

### IV

#### DEFINITION

5. As used herein "salmon netting" means netting made from certain sizes or diameters of nylon twine used in the commercial fishing industry to catch salmon. The term encompasses all nylon netting utilized by domestic fishermen in the Pacific salmon fishery, regardless of the fishing method used or the construction of the netting involved.

### V

#### TRADE AND COMMERCE

6. Defendants purchase nylon yarn from extruders of synthetic fibers and twist and ply this yarn into nylon twine. A portion of the twine so produced is further manufactured by

defendants into salmon netting; defendants sell salmon netting to distributors located in the states bordering the Pacific Ocean who in turn sell these products to retail dealers and commercial salmon fishermen. During 1971, the defendant corporations had total sales of salmon netting in the States of California, Oregon, and Washington of about \$800,000.

7. During the period covered by this complaint, the defendant corporations sold and shipped salmon netting to customers in states other than the states in which said netting was manufactured. There is, and has been during the period covered by this complaint, a regular, continuous, and substantial flow in interstate commerce of salmon netting from the manufacturing facilities of the defendant corporations to customers located in the States of California, Oregon, and Washington.

## VI

### VIOLATION ALLEGED

8. Beginning at least as early as 1967, the exact date being to the plaintiff unknown, and continuing to the date of filing of this complaint, the defendants and co-conspirators have been engaged in a combination and conspiracy in unreasonable restraint of the aforesaid interstate trade and commerce in salmon netting in violation of Section 1 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. § 1), commonly known as the Sherman Act.

9. The aforesaid combination and conspiracy has consisted of a continuing agreement, understanding, and concert of action among the defendants and co-conspirators to raise, fix, stabilize, and maintain the prices, terms, and other conditions of sale for salmon netting in the States of California, Oregon, and Washington.

.10. The aforesaid combination and conspiracy is continuing and will continue unless the relief hereinafter prayed for is granted.

11. In furtherance of the aforesaid combination and conspiracy, the defendants and co-conspirators did those things which they combined and conspired to do.

## VII

### EFFECTS

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

- (a) competition between and among the defendants and co-conspirators in the sale of salmon netting has been restrained;
- (b) prices, terms, and other conditions of sale for salmon netting have been raised, fixed, stabilized, and maintained at non-competitive levels; and
- (c) customers of the defendants and co-conspirators have been deprived of the benefits of free and open competition in the sale of salmon netting.

### PRAYER

WHEREFORE, plaintiff prays:

1. That the Court, pursuant to Section 5 of the Sherman Act, order summons to issue to defendants FNT Industries, Inc., and First Washington Net Factory, Inc., which may not be found in this district, commanding said defendants to appear and answer the allegations of this complaint and to abide by and perform such decrees and orders as the Court may make.

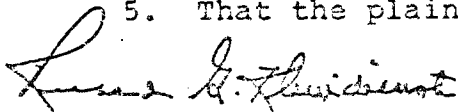
2. That the Court adjudge and decree that the defendants and co-conspirators have engaged in an unlawful combination and conspiracy in restraint of the aforesaid interstate commerce

in the sale of salmon netting in violation of Section 1 of the Sherman Act.

3. That each of the defendants, their officers, directors, agents, and all other persons acting or claiming to act on their behalf be perpetually enjoined and restrained from, in any manner, directly or indirectly, continuing, maintaining or renewing the combination and conspiracy hereinbefore alleged, or from engaging in any other combination, conspiracy, contract, agreement, understanding or concert of action having a similar purpose or effect, and from exchanging with any other manufacturers of salmon netting information concerning prices charged to customers of salmon netting.

4. That the plaintiff have such other and further relief as the Court may deem just and proper.

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



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