

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILADELPHIA MARINE TRADE
ASSOCIATION;
LAVINO SHIPPING COMPANY;
RICE, UNRUH CO.;
ROBINSON & MASTRANGELO, INC.; and
STOCKARD SHIPPING & TERMINAL CO.,

Defendants.

COMPLAINT

15 U.S.C. § 1

Conspiracy in
Restraint of
Trade

Civil No.: H-84-1940

Filed: May 10, 1984

COMPLAINT

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

I.

JURISDICTION

1. This complaint is filed and this action is instituted against the defendants by the United States of America 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 violations, as hereinafter alleged, by the defendants of Section 1 of the Sherman Act, as amended (15 U.S.C. § 1).

II.

DEFINITIONS

2. As used herein, the term:

(a) "port agent services" means the services performed for the benefit of an owner or charterer of a cargo ship while the ship is in port, including, among other things: supervising the loading and unloading of cargo; arranging for berths, pilots and tugs; securing the necessary documentation; outfitting and repairing the ship; and attending to the needs of the crew;

(b) "port agent" means a person or company that, for a fee or commission, provides port agent services;

(c) "port agent defendants" means Lavino Shipping Company; Rice, Unruh Co.; Robinson & Mastrangelo, Inc.; and Stockard Shipping & Terminal Co.;

(d) "tramp vessel" means a cargo ship that moves without being governed by a schedule of regular port calls, and

does not include a liner vessel which regularly travels between specified ports according to a schedule; and

(e) "the port of Philadelphia" means the port areas located within the 135 mile distance along the Delaware Bay and River from the Atlantic Ocean to the City of Trenton and includes parts of the States of Pennsylvania, Delaware and New Jersey.

III.

DEFENDANTS

3. Philadelphia Marine Trade Association (hereinafter "PMTA") is made a defendant herein. PMTA is a corporation organized and existing under the laws of the State of Delaware, with offices in the City of Philadelphia, Pennsylvania. During the period covered by this complaint, PMTA was a trade association whose members included companies that provided port agent services. The business address of PMTA is 600 LaFayette Building, Philadelphia, Pa. 19106.

4. Lavino Shipping Company is made a defendant herein. Lavino Shipping Company is a corporation organized and existing under the laws of the State of Delaware, with offices in the City of Philadelphia, Pennsylvania and the Borough of Manhattan in New York City. During the period covered by this complaint,

Lavino Shipping Company engaged in the business of providing port agent services and was a member of PMTA. The business address of Lavino Shipping Company is 1700 Three Penn Center Plaza, Philadelphia, Pa. 19102.

5. Rice, Unruh Co. is made a defendant herein. Rice, Unruh Co. is a corporation organized and existing under the laws of the State of Pennsylvania, with offices in the City of Philadelphia, Pennsylvania. During the period covered by this complaint, Rice, Unruh Co. engaged in the business of providing port agent services and was a member of PMTA. The business address of Rice, Unruh Co. is 232 South 4th Street, Philadelphia, Pa. 19106.

6. Robinson & Mastrangelo, Inc. is made a defendant herein. Robinson & Mastrangelo, Inc. is a corporation organized and existing under the laws of the State of Pennsylvania, with offices in the City of Philadelphia, Pennsylvania. Since 1978, Robinson & Mastrangelo, Inc. has been engaged in the business of providing port agent services and has been a member of PMTA. The business address of Robinson & Mastrangelo, Inc. is 1268 Public Ledger Building, Philadelphia, Pa. 19106.

7. Stockard Shipping & Terminal Co. is made a defendant herein. Stockard Shipping & Terminal Co. is a corporation

organized and existing under the laws of the State of Delaware, with offices in the City of Philadelphia, Pennsylvania. During the period covered by this complaint, Stockard Shipping & Terminal Co. engaged in the business of providing port agent services and was a member of PMTA. The business address of Stockard Shipping & Terminal Co. is 325 Chestnut Street, Philadelphia, Pa. 19106.

IV.

CO-CONSPIRATORS

8. Various firms and individuals, not made defendants herein, participated as co-conspirators in the violation alleged herein and performed acts and made statements in furtherance thereof.

V.

TRADE AND COMMERCE

9. Port agents are hired by the owners or the charterers of tramp vessels or liner vessels to provide port agent services while such vessels are in a particular port. During the period covered by this complaint, the port agent defendants were among the principal companies engaged in the business of providing port agent services to tramp vessels in the port of Philadelphia. In 1980, the port agent defendants generated

revenues of more than \$400,000 from servicing over 400 tramp vessels in the port of Philadelphia.

10. During the period covered by this complaint, tramp vessels serviced by port agents in the port of Philadelphia, including the tramp vessels serviced by the port agent defendants, moved and carried cargo from one state to another or between the United States and foreign countries. During the period covered by this complaint, these vessels moved and carried cargo in a continuous and uninterrupted flow of interstate and foreign commerce.

11. The activities of the defendants and co-conspirators, which are the subject of this complaint, were within the flow of, and substantially affected, interstate and foreign commerce.

VI.

VIOLATION ALLEGED

12. Beginning at least as early as 1976 and continuing until at least 1981, the exact dates being unknown to the United States, the defendants and co-conspirators engaged in a combination and conspiracy in unreasonable restraint of the aforesaid interstate and foreign trade and commerce, in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

13. The aforesaid combination and conspiracy consisted of a continuing agreement, understanding and concert of action

among the defendants and co-conspirators to raise, fix and maintain the prices charged for port agent services provided to tramp vessels in the port of Philadelphia.

14. For the purpose of forming and effectuating the aforesaid combination and conspiracy, the defendants and co-conspirators did those things which they combined and conspired to do, including, among other things, the following:

(a) agreeing on, preparing, and revising schedules of fees for port agent services provided to tramp vessels in the port of Philadelphia;

(b) publishing and disseminating the aforementioned fee schedules; and

(c) using the aforementioned fee schedules as a substantial part of the pricing structure in determining the amounts to be charged for port agent services provided to tramp vessels in the port of Philadelphia.

VII.

EFFECTS

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

(a) fees for port agent services provided to tramp vessels in the port of Philadelphia were raised, fixed and maintained at artificial and noncompetitive levels;

(b) competition for port agent services provided to tramp vessels in the port of Philadelphia was restrained and suppressed; and

(c) the public was denied the benefits of free and open competition for port agent services provided to tramp vessels in the port of Philadelphia.

PRAYER

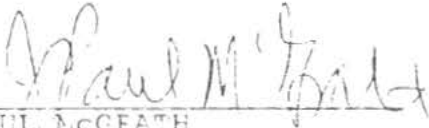
WHEREFORE, the plaintiff prays:

1. That the Court adjudge and decree that each defendant has engaged in the alleged combination and conspiracy in unreasonable restraint of the aforesaid interstate and foreign trade and commerce, in violation of Section 1 of the Sherman Act;

2. That each defendant, its successors, assignees, and transferees, and its officers, directors, agents and employees, and all persons acting in concert therewith, be enjoined and restrained from continuing, maintaining or renewing, directly or indirectly, the combination and conspiracy hereinbefore alleged or from engaging in any other combination or conspiracy having a similar purpose or effect, or from adopting or following any practice, plan, program or device having a similar purpose or effect;

3. That the plaintiff have such other relief as the Court may deem just and proper; and

4. That the plaintiff recover the cost of this action.




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