

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff,)	
)	
v.)	Civ. No. 80-111-S
)	
GARY L. MCALILEY, DANIEL F. CARMICHAEL, JOHN C. DOWLING, THOMAS E. HAIGH, S. MARK JORDAN, D. BRUCE MCLEAN, and PAUL YOUNG, Defendants.)	Filed: December 9, 1980
)	COMPLAINT FOR INJUNCTIVE RELIEF
)	

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 to obtain equitable relief against the above-named defendants, and complains and alleges as follows:

I

JURISDICTION AND VENUE

1. This complaint is filed and these proceedings are instituted under Section 4 of the Sherman Act, 15 U.S.C. § 4, to prevent and restrain the violation of Section 1 of the Sherman Act, 15 U.S.C. § 1, as hereinafter alleged.

2. The defendants are found and do business within the Middle District of Alabama.

II

DEFENDANTS

3. Gary L. McAliley, Daniel F. Carmichael, John C. Dowling, Thomas E. Haigh, S. Mark Jordan, D. Bruce McLean, and Paul Young, are made defendants herein. Each of these individuals is an attorney-at-law admitted to practice in the State of Alabama. Daniel F. Carmichael, John C. Dowling, Thomas E. Haigh, S. Mark Jordan, D. Bruce McLean, and Paul Young offer legal services for hire and have offices in Enterprise,

Alabama. Gary L. McAliley is district judge for Coffee County, Alabama District Court.

III

CO-CONSPIRATORS

4. Various persons, not made defendants herein, have participated as co-conspirators with the defendants in the violation hereinafter alleged, and have performed acts and made statements in furtherance thereof.

IV

TRADE AND COMMERCE

5. Attorneys provide various services to the public for a fee. Such services include giving legal advice, drafting legal documents, representing clients in litigation and with respect to other legal matters, conducting negotiations on behalf of clients, acting as fiduciaries, and closing real estate transactions.

6. Fees for such services are paid to the defendants each year. Substantial amounts of these fees are generated by litigation and other activities concerning funds and goods moving in interstate commerce.

7. Substantial amounts of the fees paid to defendants are paid for real estate closing services. Many of the persons who utilized these closing services were persons who resided in states other than Alabama and moved into the Enterprise, Alabama area, or persons who moved from the Enterprise, Alabama area to places outside of Alabama.

8. A substantial amount of the funds used in financing residential real estate transactions in the Enterprise, Alabama area moved into the area in interstate commerce. More than 80 percent of the funds used in real estate transactions were guaranteed or insured under programs of agencies of the United States government, headquartered in the District of Columbia.

9. The defendants, in the operation of their businesses, purchase and use office supplies, equipment and other goods which move in a continuous and uninterrupted flow of interstate commerce from sources located outside the State of Alabama to the defendants.

10. The activities of, and services provided by, defendants are within the flow of interstate commerce or have a substantial effect on interstate commerce.

V

VIOLATION ALLEGED

11. Beginning at least as early as March, 1980, and continuing until the present, defendants and their co-conspirators have engaged in a continuing combination and conspiracy in unreasonable restraint of the aforesaid trade and commerce in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1. The unlawful combination and conspiracy may continue unless the relief prayed for is granted.

12. The aforesaid combination and conspiracy has consisted of a continuing agreement between defendants and their co-conspirators to fix, raise, stabilize and maintain fees for legal and related services provided by defendants to clients in the Enterprise, Alabama area through formulation, publication and dissemination of a fee schedule.

13. In 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) participated in meetings held in Enterprise, Alabama, at which the appropriate fee to charge for various legal and related services was discussed and a schedule of fees for various legal and related services was formulated; and

- (b) published and disseminated said fee schedule to all attorneys offering legal and related services in the Enterprise, Alabama area, for their use in arriving at fees to charge.

VI

EFFECTS

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

- (a) fees charged by the defendants for legal and related services have been raised, fixed, maintained, and stabilized at artificial and non-competitive levels;
- (b) price competition among the defendants for legal and related services has been restrained; and
- (c) persons purchasing legal and related services in the Enterprise, Alabama area have been deprived of the right to purchase such services at competitively determined prices.

PRAYER

Wherefore, Plaintiff prays:

1. That the Court adjudge and decree that the defendants and co-conspirators engaged in an unlawful combination and conspiracy in restraint of the aforesaid interstate trade and commerce in violation of Section 1 of the Sherman Act.


2. That the defendants be perpetually enjoined and restrained from continuing, maintaining, reviving, or renewing the aforesaid illegal combination and conspiracy and from engaging in any other combination, conspiracy, agreement, practice, understanding, or concert of action having a similar purpose or effect.

3. That the defendants be perpetually enjoined and restrained from formulating, adopting, recommending, suggesting the use of, publishing, circulating or otherwise transmitting to each other or any other attorney any fee, fee schedule, list, guide, formula or method for determining fees for legal or related services.

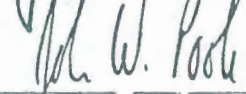
4. That the defendants be ordered to destroy the original and all copies of any jointly formulated fee schedule, list or guide in their possession.

5. That the defendants be perpetually enjoined from exchanging with each other, or any other attorney, information relating to fees for legal or related services.


6. That the plaintiff have such other and further relief as the nature of the case may require and the Court deem just and proper.


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