

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

Plaintiff, :

v. : Civil No. 76-CIV-286

ALLIED MAINTENANCE CORPORATON; :

ALPINE INDUSTRIES, INC.; :

Filed: January 16, 1976

ANCHOR CLEANING SERVICE, INC.; :

ARCADE CLEANING CONTRACTORS, INC.; :

COASTAL ENTERPRISES, INC.; :

EASTERN MAINTENANCE SERVICE INC.; :

MacCLEAN SERVICE COMPANY, INC.; :

NATIONAL KINNEY CORPORATION; :

PRUDENTIAL BUILDING MAINTENANCE :

CORPORATION; :

TEMCO SERVICE INDUSTRIES, INC.; :

and :

TRIANGLE MAINTENANCE SERVICE, INC., :

Defendants. :

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

I

JURISDICTION AND VENUE

1. This complaint is filed 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 the continuing violation by the defendants, as hereinafter alleged, of Section 1 of the Sherman Act (15 U.S.C. § 1).

2. Each of the defendants is found and transacts business within the Southern District of New York.

II

DEFENDANTS

3. The corporations named below are hereby made defendants herein. 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 indicated below. Within the period covered by this complaint, each of these defendant corporations engaged in the business of furnishing building maintenance services:

<u>Name</u>	<u>State of Incorporation</u>	<u>Principal Place of Business</u>
Allied Maintenance Corporation	New York	New York, New York
Alpine Industries, Inc.	New York	New York, New York
Anchor Cleaning Service, Inc.	New York	New York, New York
Arcade Cleaning Contractors, Inc.	New York	New York, New York
Coastal Enterprises, Inc.	New York	New York, New York
Eastern Maintenance Service Inc.	New York	New York, New York
MacClean Service Company, Inc.	New York	Bellerose, New York
National Kinney Corporation	New York	New York, New York
Prudential Building Maintenance Corporation	Delaware	New York, New York
Temco Service Industries, Inc.	Delaware	New York, New York
Triangle Maintenance Service, Inc.	New York	New York, New York

III

CO-CONSPIRATORS

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

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DEFINITIONS

5. As used herein, the term "building maintenance" shall mean the providing of janitorial, repair, security, elevator, landscaping and other services in connection with the use and land occupancy of commercial, industrial or institutional buildings, including but not limited to: interior cleaning and dusting, washing and waxing floors; vacuuming and cleaning carpets; cleaning and washing windows, walls and window coverings; servicing washrooms; operating and repairing elevator, heating, lighting and ventilation facilities; providing security guard services; caring for landscaping; preparation of new building for occupancy and other related activities.

V

TRADE AND COMMERCE

6. The defendant corporations are among the largest building maintenance companies in the State of New York. In 1974, they accounted for over \$192 million in sales of building maintenance services in New York County alone.

7. During the period covered by this complaint, the defendant and co-conspirator companies regularly purchased substantial quantities of materials, supplies, and equipment which were essential to the furnishing of building maintenance services. Substantial portions of such goods were shipped in a continuous and uninterrupted flow of interstate commerce from manufacturers outside the State of New York directly to the defendants and co-conspirators, or the customers of the defendants and co-conspirators, within the State of New York.

8. During the period covered by this complaint, many of the customers of the defendant and co-conspirator companies

were engaged in interstate commerce, and building maintenance services were essential to the operations of these customers.

VI

VIOLATION ALLEGED

9. Beginning at least as early as 1970, the exact date being to the plaintiff unknown, and continuing thereafter until October 1974, the defendants and co-conspirators have engaged in a combination and conspiracy in unreasonable restraint of the aforesaid interstate trade and commerce 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. The aforesaid combination and conspiracy may continue or recur unless the relief hereinafter prayed for is granted.

10. The aforesaid combination and conspiracy has consisted of a continuing agreement, understanding, and concert of action among the defendants and co-conspirators, the substantial terms of which are:

- (a) to allocate customers for building maintenance services between and among themselves;
- (b) to refrain from competing for customers so allocated;
- (c) to submit non-competitive, collusive and complementary bids for contracts with customers and potential customers of building maintenance services; and
- (d) to compensate each other for customers lost to one another.

11. For the purpose of forming and effectuating the aforesaid combination and conspiracy, the defendants and co-conspirators have done 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) prices for the furnishing of building maintenance services in New York have been maintained and stabilized at artificial and non-competitive levels;
- (b) competition in the building maintenance industry in New York has been restrained and eliminated; and
- (c) customers of building maintenance companies in New York have been deprived of the right to purchase building maintenance services in an open and competitive market.

PRAYER

WHEREFORE, plaintiff prays:

1. That the Court adjudge and decree that the defendants have 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 (15 U.S.C. § 1).

2. That each of the defendants, its subsidiaries, affiliates, successors, transferees, assigns, and the respective officers, directors, partners, agents and employees thereof, and all other persons acting or claiming to act on their behalf, be 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

adopting or following any practice, plan, program or device having a similar purpose or effect.

3. That the plaintiff have such other, further, general and different relief as the case may require and the Court may deem just and proper under the circumstances.

4. That the plaintiff recover its taxable costs.



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