

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 ) Civil No. 74-1526-Civ.-JE  
 v. )  
 ) Filed. November. 21, 1974  
 CUSTOMS BROKERS AND FORWARDERS )  
 ASSOCIATION OF MIAMI, INC., )  
 )  
 Defendant. )

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 defendant, 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 the continuing violation by the defendant, as hereinafter alleged, of Section 1 of said Act (15 U.S.C. § 1).

2. The defendant is located in, transacts business and is found within the Southern District of Florida.

II

THE DEFENDANT

3. The Customs Brokers and Forwarders Association of Miami, Inc. (hereinafter CBFAM) is hereby made a defendant herein. The CBFAM is a trade association incorporated in the State of Florida and located in Miami, Dade County, Florida. The regular membership of the CBFAM is composed of international freight forwarders and customs brokers.

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### III

#### CO-CONSPIRATORS

4. Various individuals and companies, including those who are or have been members of the CBFAM, not made defendants in this complaint have participated as co-conspirators in the violation hereinafter alleged and have performed acts and made statements in furtherance thereof.

### IV

#### TRADE AND COMMERCE

5. International freight forwarders provide various services for customers wishing to ship goods from the United States to foreign countries. These services include arranging temporary warehousing at the point of departure, transportation to the shipping point and transportation out of the country, as well as preparation of needed documents for both the departure of goods from this country and the entry of the goods into the country of destination. The international freight forwarder may arrange for shipment of goods by ocean or air carrier. A customs broker provides services similar to those provided by the forwarder but with respect to goods arriving in the United States from other countries.

6. An important service provided by forwarders and brokers is the preparation of documents. Depending upon the wishes of the shipper, the laws of the United States and the laws of the country of destination, international freight forwarders must prepare various documents for goods leaving the United States, such as shipper's export declaration and consular invoices. Similarly, customs brokers must prepare various documents for goods entering the United States, such as formal entry and appraisement entry. The international freight forwarder and customs broker members of the CBFAM regularly perform such services.

7. In 1970, the members of the CBFAM had total revenues in excess of \$7 million for services performed in Miami, Florida in connection with the shipment of goods into and out of the country. Of this total, approximately \$4 million was attributable to charges made for the preparation of documents.

8. There is, and has been during the period covered by this complaint, a regular, continuous and substantial flow of commerce moving into and out of the United States through Miami, Florida. The services provided by members of the CBFAM are performed within and are an essential and integral part of that flow.

V

VIOLATION ALLEGED

9. Beginning at least as early as February 10, 1970 and continuing to the date of the filing of this complaint, the defendant and the co-conspirators have engaged in a combination and conspiracy in unreasonable restraint of the aforesaid foreign 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.

10. The aforesaid combination and conspiracy has consisted of a continuing agreement, understanding and concert of action among the defendant and the co-conspirators, the substantial terms of which have been, and are, to fix establish and maintain a schedule of minimum fees to be charged for the preparation of documents for goods leaving and entering the United States through Miami, Florida.

11. In furtherance of the aforesaid combination and conspiracy, the defendant and the co-conspirators have, among other things, done those things which they combined and conspired to do.

VI

EFFECTS

12. The violation alleged has had the following effects, among others:

- (a) Competition between and among CBFAM members in the performance of services relating to the preparation of documents has been restrained;
- (b) Fees to be charged for the preparation of documents have been fixed, established and maintained at non-competitive and artificial levels; and
- (c) Customers of CBFAM members have been deprived of the opportunity to obtain services for the preparation of documents at competitive prices.

PRAYER

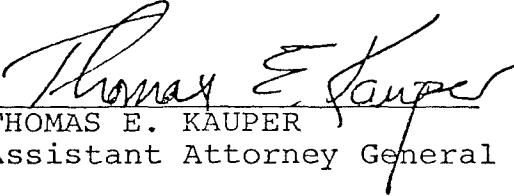
WHEREFORE, the plaintiff prays:

1. That the court adjudge and decree that the defendant has engaged in an unlawful combination and conspiracy in restraint of the aforesaid foreign trade and commerce in violation of Section 1 of the Sherman Act.

2. That the defendant, its officers, directors, agents and employees, and all other persons acting or claiming to act on its behalf, be perpetually enjoined and restrained from continuing, maintaining or renewing the aforesaid combination and conspiracy and from engaging in any other combination or conspiracy having a similar purpose or effect or from adopting or following any practice, plan or program having a similar purpose or effect.

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

4. That the plaintiff recover its taxable costs.

  
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