

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,
Plaintiff,
v.
GREAT LAKES COAL & DOCK COMPANY;
HOMETOWN, INC.; and YOUGHIOGHENY
& OHIO COAL COMPANY,
Defendants.

Civil No. 72-C-211

Filed: April 11, 1972

COMPLAINT

The United States of America, by its attorneys, acting under the direction of the Attorney General of the United States, brings this 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 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 the Sherman Act (15 U.S.C. § 1).

2. Each of the defendants maintains an office or transacts business within the Eastern District of Wisconsin.

II

DEFINITIONS

3. As used herein, the term:

- (a) "Dock coal" means either (1) coal unloaded on the dock coal companies' own docks for storage and later shipment to the customers

by rail or trucks, or (2) coal unloaded at the customers' own docks;

- (b) "Dock coal companies" means those companies engaged in the business of purchasing dock coal from coal producing companies for resale to retail, commercial, industrial and governmental customers; and
- (c) "Milwaukee market" means the territory encompassed by the City of Milwaukee and Milwaukee County in the State of Wisconsin.

III

DEFENDANTS

4. The corporations named below are made defendants herein. Each of these corporations is organized and exists under the laws of the state, and has its principal place of business in the city, indicated below. During the period of time covered by this complaint, each of these defendants has engaged in the business of selling dock coal in the Milwaukee market.

<u>Name of Corporation</u>	<u>State of Incorporation</u>	<u>Principal Place of Business</u>
Great Lakes Coal & Dock Company	Wisconsin	Milwaukee, Wisconsin
Hometown, Inc.	Wisconsin	Milwaukee, Wisconsin
Youghioghny & Ohio Coal Company	Ohio	Cleveland, Ohio

IV

CO-CONSPIRATORS

5. Companies not named defendants in this complaint have participated as co-conspirators in the violation alleged herein and have performed acts and made statements in furtherance thereof. Among those co-conspirators have been The C. Reiss

Coal Company, Sheboygan, Wisconsin; Consolidation Coal Company, Pittsburgh, Pennsylvania; The Jacobus Company, Milwaukee, Wisconsin; and Schneider Fuel & Dock Company, Milwaukee, Wisconsin.

V

TRADE AND COMMERCE

6. During the period of time covered by this complaint, the defendants and co-conspirators named herein have been the principal sellers of dock coal to retail, commercial, industrial, governmental, and other institutional customers located in the Milwaukee market. Total 1968 sales of dock coal by the defendants in this market exceeded \$12 million.

7. During the period of time covered by this complaint, the defendants and co-conspirators have sold substantial quantities of various grades of dock coal in the Milwaukee market. This coal has been produced at mines located in states outside of the Milwaukee market, purchased by the defendants and co-conspirators, and shipped regularly and continuously in interstate commerce from outside the Milwaukee market to customers located within that market.

VI

VIOLATION ALLEGED

8. Beginning some time prior to 1965, the exact date being unknown to the plaintiff, and continuing thereafter up to and including the filing of this complaint, the defendant and co-conspirators have engaged in a combination and conspiracy in unreasonable restraint of the above described interstate trade and commerce, in violation of Section 1 of the Sherman Act. Said combination and conspiracy is continuing and will continue unless the relief hereinafter prayed for is granted.

9. 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 have been:

- (a) to fix, raise and maintain the price of dock coal sold to retail and commercial customers in the Milwaukee market;
- (b) to allocate customers in the Milwaukee market among themselves; and
- (c) to rig bids on sales of dock coal made to municipal, county, state and federal institutions in the Milwaukee market.

10. For the purpose of forming and effectuating the aforesaid combination and conspiracy, the defendants and co-conspirators have done those things, which, as hereinbefore alleged, they have combined and conspired to do.

VII

EFFECTS

11. The combination and conspiracy alleged herein has had the following effects, among others:

- (a) Price competition in the sale of dock coal in the Milwaukee market has been restrained and eliminated;
- (b) Dock coal prices in the Milwaukee market have been raised and stabilized at artificial and non-competitive levels;
- (c) Purchasers in the Milwaukee market have been deprived of the benefits of free and open competition in the sale of dock coal; and

- (d) Purchasers in the Milwaukee market have been deprived of the opportunity of buying dock coal at competitive prices.

PRAYER

WHEREFORE, the plaintiff prays:

1. That the Court adjudge and decree that the defendants have engaged in a combination and conspiracy in unreasonable restraint of the above described interstate trade and commerce in violation of Section 1 of the Sherman Act.

2. That each defendant, including any subsidiaries thereof, its officers, directors, employees and agents, its successors and all persons acting or claiming to act on behalf of each defendant, be perpetually enjoined and restrained from participating, either directly or indirectly, in any combination and conspiracy, agreement, understanding, plan or program to raise, fix or stabilize prices, rig bids, allocate customers, or otherwise eliminate competition in the sale of coal in the Milwaukee market and elsewhere in the United States.

3. That each defendant, including any subsidiaries thereof, its officers, directors, employees and agents, its successors and all persons acting or claiming to act on behalf of each defendant, be perpetually enjoined and restrained from communicating in any manner to a competitor information relating to prices of coal prior to the time of the release of such information to the trade generally.

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

5. That the plaintiff recover the costs of this

suit



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