

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
NOVEMBER 1995 GRAND JURY

UNITED STATES OF AMERICA	)	<b>Criminal Case No.: 96-1792-IEG</b>
	)	
	)	
v.	)	<b><u>INDICTMENT</u></b>
	)	
SERVICE DELI, INC.,	)	<b>Title 18 U.S.C. § 1001 --</b>
	)	<b>False Statement</b>
Defendant.	)	
	)	<b>Filed: [9/24/96]</b>
	)	<b>Judge: Gonzales</b>

The Grand Jury charges:

Service Deli, Inc. ("Service Deli") is hereby indicted and made a defendant on the charge stated below. On or about July 26, 1993, within the Southern District of California, defendant Service Deli, through one of its employees on behalf of Service Deli, knowingly and willfully made and caused to be made a false, fictitious and fraudulent statement as to a material fact, in a matter within the jurisdiction of the Defense Commissary Agency ("DeCA"), an agency of the United States.

The false, fictitious and fraudulent statement was contained in a letter dated July 26, 1993 ("the letter") from defendant Service Deli to DeCA. The letter was written in response to protests filed with DeCA, which contested the award of certain blanket purchase agreements ("protested BPA's") to defendant Service Deli in June 1993. The protests made a number of allegations, including that defendant Service Deli and a commonly owned competitor had discussed prices to be submitted on the upcoming protested BPA's.

In the letter, defendant Service Deli denied to DeCA that it had ever discussed prices with the competitor specified in the bid protests.

In truth and in fact, as the defendant Service Deli knew, on or about July 26, 1993, Service Deli had discussed prices on the protested BPA's with a commonly owned competitor prior to both companies submitting their respective prices on the protested BPA's.

Defendant Service Deli is a corporation organized and existing under the laws of the State of California, with its principal place of business in San Diego, California. During the period covered by this Indictment, defendant Service Deli was engaged in the business of operating dozens of deli, bakery, and pizza operations in military commissaries, primarily in the Western United States.

Whenever in this Indictment reference is made to any act, deed, or transaction of a corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, employees, agents, or direction, control, or transaction of its business or affairs.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 1001.

Dated this \_\_\_ day of \_\_\_\_\_, 1996.

A TRUE BILL

\_\_\_\_\_  
"/s/"  
JOEL I. KLEIN  
Acting Assistant Attorney General

\_\_\_\_\_  
"/s/"  
GARY R. SPRATLING  
Deputy Assistant Attorney General  
Criminal Enforcement

\_\_\_\_\_  
"/s/"  
CHRISTOPHER S CROOK  
Acting Chief  
San Francisco Field Office

Attorneys  
United States Department of Justice  
Antitrust Division

\_\_\_\_\_  
"/s/"  
FOREPERSON  
\_\_\_\_\_  
"/s/"  
ALAN D. BERSIN  
United States Attorney  
Southern District of California

\_\_\_\_\_  
"/s/"  
MARC SIEGEL

\_\_\_\_\_  
"/s/"  
MEGAN DIXON

Attorneys  
United States Department of Justice  
Antitrust Division