

**UNITED STATES DISTRICT COURT SOUTHERN INDIANA**

USA -VS- LEE'S READY MIX &amp; TRUCKING, INC.

IP05-CR-0077-01-M/F

FILED	CLOSED	OFFENSE	NO. DEFTS	MAG CASE NO.	JUDGE	MAGISTRATE
05/18/2005	10/25/2005	Felony	1	N/A	MCKINNEY	FOSTER

USA  
plaintiff

**JONATHAN EPSTEIN**  
US DEPARTMENT OF JUSTICE  
209 S. LASALLE STREET SUITE 600  
CHICAGO, IL 60604  
(312)353-7530

**V.**

LEE'S READY MIX & TRUCKING, INC.  
defendant

**JOHN(JACK) GAY**  
130 N.STATE STREET  
P.O. BOX 86  
NORTH VERNON, IN 47265  
(812)346-5072  
**DAVID J RYAN**  
STECKLER & RYAN  
320 N MERIDIAN ST #910  
INDIANAPOLIS, IN 46204  
(317)264-1000

NO.	COUNTS	OFFENSE
1	1	PRICE FIXING

**DATE****PROCEEDINGS**

05/18/2005	INDICTMENT FILED eod 05/19/05 [AJN]
05/18/2005	CRIM INFO SHEET eod 05/19/05 [AJN]
05/18/2005	PRAECIPE for SUMMONS USA eod 05/19/05 [AJN]
05/19/2005	SUMMONS ISSUED ASSIGNS HEARING to 06/01/05 at 12:30PM Room 246 (VSS) c/m eod 05/19/05 [AJN]
05/18/2005	PRETRIAL SERVICE ORDER ISSUED LJM eod 05/19/05 [AJN]
05/19/2005	NGPL ORDER ASSIGNS JURY TRIAL to 07/11/05 at 09:30AM Room 202 (LJM) c/m eod 05/19/05 [AJN]
05/25/2005	Disclosure of Corporate interests certificate -cs DEFT eod 05/25/05 [EAH]
05/25/2005	APPEARANCE - RET John D. Gay -cs DEFT eod 05/25/05 [EAH]

06/01/2005 MOTION to Correct Clerical or Typographical Error in Indictment c/s USA eod 06/01/05 [AJN]

06/02/2005 ORDER -grants Motion to Correct Clerical Error in Indictment. The clerk shall substitute the language in paragraph 2 of the Motion to the Indictment. cm LJM eod 06/02/05 [AJN]

06/01/2005 USM RETURN DEFT served on 6/1/05 at USDC with summons. eod 06/02/05 [AJN]

06/01/2005 COURTROOM MINUTES of a hearing held before U S Mag Judge Shields eod 06/03/05 [SWM]

06/01/2005 DEFT APPEARS IN PERSON AND w/retained counsel John (Jack) Guy eod 06/03/05 [SWM]

06/01/2005 APPEARANCE FOR THE USA BY AUSA Jonathan Epstein and Frank Vondrak eod 06/03/05 [SWM]

06/01/2005 USPO Represented by Matt McCleese eod 06/03/05 [SWM]

06/01/2005 CHARGES & RIGHTS and penalties were read and explained eod 06/03/05 [SWM]

06/01/2005 Parties were ordered to meet and confer regarding disclosure of evidence on or before 6/16/05 eod 06/03/05 [SWM]

06/08/2005 MOTION FOR PROTECTIVE ORDER. c/s USA eod 06/08/05 [KJM]

06/09/2005 ORDER APPROVES Protective Order cm TAB eod 06/10/05 [SWM]

06/16/2005 PETITION TO ENTER A PLEA OF GUILTY c/s DEFT eod 06/16/05 [AJN]

06/21/2005 ENTRY DEFT having filed with the Court its Petition to Enter a Plea of Guilty orders that: eod 06/21/05 [AJN]

06/21/2005 ENTRY VACATES JURY TRIAL of 07/11/05 at 09:30AM Room 202 (LJM) c/m eod 06/21/05 [AJN]

06/21/2005 ENTRY ASSIGNS GLTY PLEA HRG to 08/12/05 at 11:00AM Room 202 (LJM) c/m If plea is accepted, the Court will immediately proceed to sentencing. eod 06/21/05 [AJN]

06/29/2005 ENTRY VACATES GLTY PLEA HRG of 08/12/05 at 11:00AM Room 202 (LJM) c/m eod 06/29/05 [KJM]

06/29/2005 ENTRY REASSIGNS GLTY PLEA HRG to 07/22/05 at 11:30AM Room 202 (LJM) c/m eod 06/29/05 [KJM]

07/22/2005 ENTRY - USA appears by Jonathan Epstein. Defendant appears by its representative, Lester Lee, and by counsel, John Gay. Dave Schoettmer appears on behalf of the Probation Department. Glen Cunningham is the court reporter. Hearing on Petition to Enter a Plea of Guilty is held. eod 07/22/05 [KJM]

07/22/2005 COURT FINDS factual basis for plea and plea voluntarily made. eod 07/22/05 [KJM]

07/22/2005 COURT ACCEPTS plea agreement and ADJUDGES deft GUILTY as charged. eod 07/22/05 [KJM]

07/22/2005 ENTRY ASSIGNS SENTENCING DATE to 10/14/05 at 11:00AM Room 202 (LJM) c/m eod 07/22/05 [KJM]

07/26/2005

TRANSCRIPT of change of plea proceedings held before Judge McKinney on 7/22/05 eod 07/26/05 [CBU]

09/23/2005 APPEARANCE - RET of David J. Ryan on behalf of deft c/s - DEFT eod 09/23/05 [MAC]

10/07/2005 RESPONSE to USA's request for additional information regarding Sentencing Issues and Request for Production of Documents and Identification of Witnesses c/s - DEFT eod 10/11/05 [MAC]

10/12/2005 MOTION for a Seven Day Continuance of Sentencing Hearing. c/s DEFT eod 10/12/05 [KJM]

10/13/2005 RESPONSE in opposition to pltf's motion to exclude witnesses and; eod 10/13/05 [SWM]

10/13/2005 MOTION TO CONTINUE sentencing hearing (Renewed motion) c/s DEFT eod 10/13/05 [SWM]

10/13/2005 MOTION to exclude witnesses -cs USA eod 10/13/05 [EAH]

10/14/2005 SENTENCING HELD - USA appears by Jonathan Epstein and Frank VonDrak. Deft appears by counsel, David Ryan and John Gay. Lester Lee appears on behalf of the defendant. Court denies deft's motion and renewed motion to continue the sentencing hearing. Court denies USA's motion to exclude witnesses. Sentencing hearing is held and concluded. Sentence imposed. J & C forthcoming. eod 10/17/05 [KJM]

10/20/2005 TRANSCRIPT of disposition proceedings held before Chief Judge Larry J McKinney on 10/15/05 (Glen L Cunningham) eod 10/21/05 [SWM]

10/24/2005 JUDGMENT ENTERED - Deft Pled Guilty to: Count 1 - 15:1 Sherman Act Violation. PROBATION: 5 years. Standard & Special conditions of Supervision - See Judgment. ASSESSMENT: \$400.00. FINE: \$500,000.00. SCHEDULE OF PAYMENTS: S.A. Fee due immediately. cm LJM OBV 39 PG 252 eod 10/25/05 [MAC]

06/25/2009 CLERK'S ENTRY - Exhibits are released. They will be disposed of on 7/15/2009 if not taken. LAB/trg eod 06/25/09 [TRG]

07/06/2009 RECEIPT for Exhibits - U.S. Department of Justice. eod 07/06/09 [TRG]

08/10/2009 Exhibit A (Defendant) disposed of by Clerk on 8/10/09. eod 08/10/09 [TRG]

11/17/2010 CLERK's ENTRY - Exhibits are released to USDOJ. Exhibits are mailed. eod 11/17/10 [REO]

11/24/2010 RECEIPT for exhibits - USA eod 11/24/10 [MAC]

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USDC Southern Indiana -JAMS data-

[Go to Top](#)