

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	IP 05 -77- CR-01M/F
Plaintiff	)	
	)	FILED: May 18, 2005
v.	)	
	)	
LEE'S READY MIX & TRUCKING, INC.	)	Violation: 15 U.S.C. § 1
	)	
Defendant.	)	

**INDICTMENT**

The Grand Jury charges that:

I.

**DESCRIPTION OF THE OFFENSE**

1. LEE'S READY MIX & TRUCKING, INC. ("Defendant") is hereby indicted and made a defendant on the charge contained in this Indictment.
2. Beginning in or about February 2003 and continuing until approximately June 2004, the exact dates being unknown to the Grand Jury, Defendant and its co-conspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by fixing the prices at which ready mixed concrete was sold in the Indiana counties of Bartholomew, Jackson, and Jennings. The combination and conspiracy engaged in by Defendant and its co-conspirators was in unreasonable restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).
3. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among Defendant and its co-conspirators, the substantial terms of which were to suppress and eliminate competition by maintaining and increasing the prices at

which ready mixed concrete was sold in the Indiana counties of Bartholomew, Jackson, and Jennings.

## II.

### MEANS AND METHODS OF THE CONSPIRACY

4. For the purpose of forming and carrying out the charged combination and conspiracy, Defendant and co-conspirators did those things that they combined and conspired to do, including, among other things:

- (a) engaging in discussions regarding the prices at which each would sell ready mixed concrete;
- (b) agreeing during those discussions to specific price increases for ready mixed concrete and to the timing of those price increases;
- (c) issuing price announcements and/or price quotations in accordance with the agreements reached;
- (d) selling ready mixed concrete pursuant to those agreements at collusive and noncompetitive prices; and
- (e) accepting payment for ready mixed concrete sold at the agreed-upon collusive and noncompetitive prices.

## III.

### DEFENDANT AND CO-CONSPIRATORS

5. During the time period covered by this Indictment, Defendant was a corporation organized and existing under the laws of Indiana with its principal place of business in North Vernon, Indiana. During the time period covered by this Indictment, Defendant was engaged in the business of producing and selling ready mixed concrete in the Indiana counties of

Bartholomew, Jackson, and Jennings.

6. Various co-conspirators, not made defendants in this Indictment, participated in the offense charged herein and performed acts and made statements in furtherance thereof.

7. Whenever in this Indictment reference is made to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

#### IV.

#### TRADE AND COMMERCE

8. Ready mixed concrete is a product whose ingredients include cement, aggregate (sand and gravel), water, and, at times, other additives. Ready mixed concrete is made on demand and, if necessary, is shipped to work sites by concrete mixer trucks. Ready mixed concrete is purchased by do-it-yourself customers, commercial customers, as well as local, state, and federal governments for use in various construction projects, including, but not limited to, sidewalks, driveways, bridges, tunnels, and roads. During the time period covered by this Indictment, Defendant sold at least \$7 million worth of ready mixed concrete that was affected by the conspiracy to customers in the Indiana counties of Bartholomew, Jackson, and Jennings.

9. During the time period covered by this Indictment, the corporate conspirators purchased substantial quantities of equipment and supplies necessary to the production and distribution of ready mixed concrete, which equipment and supplies were shipped into Indiana from points of origin outside Indiana.

10. During the time period covered by this Indictment, the business activities of the

