IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
v.	)	Civil Action No. 96-CV-4044
A&L MAYER ASSOCIATES, INC.; A&L MAYER, INC; and FIBRAS SALTILLO, S.A. DE C.V.,	)	Filed: May 30, 1996
Defendants.	)	

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 to obtain equitable and other relief against the defendants named herein, and complains and alleges as follows.

Since at least January 1990 to at least April 1995, the defendants and certain co-conspirators have reached various agreements designed to lessen and eliminate competition for tampico fiber imported into and sold in the United States. Specifically, the defendants agreed with unnamed co-conspirators to fix the prices of tampico fiber imported into the United States, to fix the resale prices charged by their exclusive United States distributors for tampico fiber, and to allocate tampico fiber sales between those distributors.

The instant action seeks to enjoin the defendants from renewing their unlawful agreements.

I

DEFENDANTS

1. A&L Mayer Associates, Inc. ("Mayer Associates"), is a Liberian corporation with offices in The Netherlands, Mexico and Hartsdale, New York. It buys tampico fiber from a Mexican processing company and sells it through a United States distributor to customers throughout the United States.

2. A&L Mayer, Inc. ("Mayer, Inc."), is a corporation organized and existing under the laws of the State of New York. It is located in Hartsdale, New York. Employees of Mayer, Inc. had conversations and communications concerning prices and other matters in furtherance of the agreements charged herein.

3. Fibras Saltillo S.A. de C.V. ("Fibras") is a Mexican corporation located in Saltillo, Mexico. Fibras processes tampico fiber and is the sole source of supply for tampico fiber sold by Mayer Associates to its distributor in the United States. Fibras is one of the world's two largest suppliers of processed tampico fiber.

II

JURISDICTION AND VENUE

4. This complaint is filed under Section 4 of the Sherman Act, as amended (15 U.S.C. § 4) in order to prevent and restrain violations, as hereinafter alleged, by the defendants of Section 1 of the Sherman Act (15 U.S.C. § 1).

5. This Court has jurisdiction over this matter pursuant

to 28 U.S.C. §§ 1331 and 1337.

6. Venue is properly laid in this district under 28 U.S.C. § 1391(b)(2) because the combination and conspiracy alleged herein has been carried out, in part, within the Eastern District of Pennsylvania through, among other things, sales made by the conspirators. As to Mayer Associates and Fibras, venue is also proper under 28 U.S.C. § 1391(d).

7. All defendants further consent to jurisdiction and waive any objection as to venue.

III

TRADE AND COMMERCE

8. Tampico fiber is a natural vegetable fiber produced by the lechuguilla plant and grown in the deserts of northern Mexico. It is harvested by individual farmers, processed, finished and exported worldwide, where it is used as brush filling material for industrial and consumer brushes. It is available in natural white, bleached white, black, gray and a wide variety of mixtures.

9. Fibras is one of the two largest suppliers of processed tampico fiber worldwide. Fibras supplies tampico in the United States through sales made by Mayer Associates.

10. Mayer Associates sells tampico fiber in the United States to its sole United States distributor for resale to customers.

11. The defendant corporations accounted for aggregate

United States sales of tampico fiber of approximately $10 million during the period January 1990 through April 1995. During the period covered by this complaint, there has been a continuous and uninterrupted flow in interstate commerce of tampico fiber from Fibras and Mayer Associates to its United States distributor and its customers. There also has been a continuous and uninterrupted flow in interstate commerce of tampico fiber from a co-conspirator Mexican processor and its exclusive United States distributor to customers throughout the United States. The activities of the defendants and their co-conspirators have been within the flow of, and have substantially affected, interstate commerce.

IV

CONCERTED ACTIONS

12. Various firms and individuals, not made defendants in the complaint, participated as co-conspirators with the defendants in the violations alleged in the complaint, and performed acts and made statements in furtherance thereof.

V

ALLEGED VIOLATIONS

COUNT ONE

13. The defendants and co-conspirators, through their officers and employees, agreed to fix and maintain the prices of tampico fiber imported into the United States.

14. In furtherance thereof they periodically met, discussed and agreed upon such prices.

15. That agreement constituted a combination or conspiracy in unreasonable restraint of trade and commerce in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

16. Unless prevented and restrained, the defendants may renew the unlawful agreement alleged herein.

COUNT TWO

17. The defendants and co-conspirators, through their officers and employees, and in order to monitor and maintain the agreement alleged in Count One, agreed to fix and maintain the resale prices charged by their exclusive United States distributors for sales of tampico fiber.

18. In furtherance thereof they periodically met, discussed and agreed upon such prices and instructed their United States distributors to charge such prices. Moreover, one of the defendants also entered into written resale price maintenance agreements with its exclusive United States distributor.

19. That agreement constituted a combination or conspiracy in unreasonable restraint of trade and commerce in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

20. Unless prevented and restrained, the defendants may renew the unlawful agreement alleged herein.

COUNT THREE

21. The defendants and co-conspirators, through their officers and employees, agreed to allocate tampico fiber sales volume between their exclusive United States distributors.

22. In furtherance thereof they periodically reviewed the sales of their United States distributors.

23. That agreement constituted a combination or conspiracy in unreasonable restraint of trade and commerce in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

24. Unless prevented and restrained, the defendants may renew the unlawful agreement alleged herein.

VI

EFFECTS

25. The aforesaid combination and conspiracy has had the following effects, among others:

(a) prices of tampico fiber imported into the United States have been fixed and maintained;

(b) resale prices of United States distributors of tampico fiber have been fixed and maintained;

(c) sales volume between the United States distributors of tampico fiber has been allocated; and

(d) competition in the sale of tampico fiber has been restrained, suppressed and eliminated.

VII

PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully prays for relief as follows.

26. That this Court adjudge and decree that defendants and co-conspirators have entered into unlawful contracts, combinations, or conspiracies which unreasonably restrain trade in interstate commerce, in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

27. That defendants, their officers, directors, agents, employees, successors and all persons, firms and corporations acting on their behalf and under their direction or control be enjoined from engaging in, carrying out, renewing or attempting to engage in, carry out or renew, the combinations and conspiracies herein alleged, or from engaging in any other combination or conspiracy having similar purposes or effects.

28. That plaintiff have such other relief that the Court may consider necessary, just, or appropriate to restore competitive conditions in the markets affected by the defendants unlawful conduct.

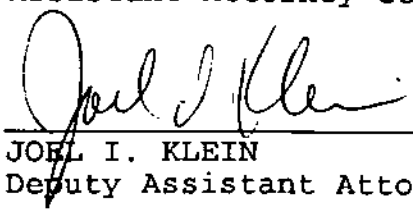
29. That plaintiff recover the costs of this action.

Dated:

Respectfully submitted,

ANNE K. BINGAMAN
Assistant Attorney General

EDWARD S. PANEK



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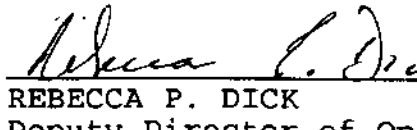

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