IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF THE DISTRICT OF COLUMBIA MAR 23 1988

UNITED STATES OF AMERICA.

c/o Department of Justice Antitrust Division

Washington. D. C. 20530.

)
}
)
)
)
)
)
)
)
)
)
)
)

Civil Action No8fj-0782

WICKES COMPANIES. INC.,
3340 Ocean Park Boulevard
Santa Monica. Ca. 90405.
Defendant.
)

- -)

COMPLAINT FOR CIVIL PENALTIES FOR VIOLATION OF PREMERGER REPORTING REQUIREMENTS OF HART-SCOTT-RODINO ACT

The United States of America, plaintiff, by its attorneys.

acting under the direction of the Attorney General of the

United States and at the request of the Federal Trade

Commission. brings this civil action to obtain monetary relief

in the form of a civil penalty against the defendant named

herein. and alleges as follows:

JURISDICTION AND VENUE

1. This Complaint is filed and these proceedings are

instituted under Section 7A of the Clayton Act. 15 U.S.C.

§ ISa. commonly known as the Hart-Scott-Rodino Antitrust

Improvements Act of 1976 ("Hart-Scott-Rodino Act"). to recover

a civil penalty for a violation of the Hart-Scott-Rodino Act.

2. This Court has jurisdiction over this action pursuant
to 15 U. S . C . § 16 a (g), and 26 U. S . C. § § 1331, 13 37, 1345 and 1355.

3. Venue in this District is proper by virtue of
defendant's consent. in the Stipulation relating hereto, to the maintenance of this action and the entry of Final Judgment in this District. Venue is also proper under 26 U.S.C. l395(a).

THE DEFENDANT

4. Wickes Companies, Inc. ("Wickes") is made a defendant herein. Wickes is a Delaware corporation with its principal place of business at 3340 Ocean Park Boulevard, Suite 2000, Santa Monica, California 90405. Wickes sells lumber and building materials.

OWENS-CORNING FIBERGLAS CORPORATION

5. Owens-Corning Fiberglas Corporation ("OCF") is a
Delaware corporation with its principal office at Fiberglas Tower. Toledo. ohio 43659.

vrOLATION ALLEGED

6. The Hart-Scott-Rodino Act. 15 U.S.C. § lSa. prohibits certain acquisitions of voting securities or assets until a notification has been filed with the Department of Justice and the Federal Trade Commission and a waiting period has expired.

2

7. OCF and defendant Wickes at all times pertinent to
this proceeding have been engaged in commerce. or in activities affecting commerce, within the meaning of Section

required Wickes to file the notification and to observe a waiting period before acquiring an aggregate total amount of voting securities of OCF in excess of $15 million.
14. Defendant Wickes did not comply with the reporting and waiting period requirements of the Act before making the acquisitions described in Paragraphs 10 and 12 above.
15. On August 12. 1986. defendant Wickes submitted a notification and report form under the Hart-Scott-Rodino Act. stating an intention to acquire at least 50 percent of the voting securities of OCF. The Hart-Scott-Rodino Act waiting period relating to that filing expired on September 11. 1986.
16. On September 2. 1986. defendant Wickes sold all its interest in OCF stock.

17. Defendant Wickes was continuously in violation of the Hart-Scott-Rodino Act during the period from July 18. 1986 through September 2. 1986 (47 days).
18. Section (g)(l) of the Hart-Scott-Rodino Act. 15 U.S.C.
§ 18a(g)(1). provides

15.1158 0 0 12.2 241.7 302.9549n E$1T 000 280.65 419.77 Tm (continuousl1y)Tj 15.0953302517 302.

U.4 ETET BT /Suspe

each day of the period from July 18. 1986 through September 2.

1986;

2. That defendant Wickes be ordered to pay to the United

States an appropriate civil penalty as provided by Section

(g)(l) of the Hart-Scott-Rodino Act. 15 U.S.C. § 18a(g)(l);

3. That the plaintiff have such other and further relief

as the Court may deem just and proper; and

4. That the Court award plaintiff its costs of this suit.

DATED:

=-

= Michael Boudin
Deputy Assistant Attorney General

J..ohn W. Clark

Robert E. Bloch

Attorneys
Department of Justice

Jay B. Stephens, D.C. Bar ~177840 United States Attorney

5

torney
Department of Justice
Antitrust Division
555 4th Street. N.W.
Washington, D.C. 20001
202/724-8310

FOR THE FEDERAL TRADE COMMISSION:

~~Q .... u J re I. Zu rman
ec or

Elliot Feinberg
Assistant Director

Sondra L. 111s

Attorneys
Bureau of Competition