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10
 11 **UNITED STATES DISTRICT COURT**
 12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

<p>13 CITY OF BISMARCK, on behalf of 14 itself and all others similarly situated, 15 Plaintiff, 16 v. 17 CALIFORNIA WATER 18 TECHNOLOGIES, LLC, PVS 19 CHEMICALS, INC., PVS 20 TECHNOLOGIES, INC., KEMIRA 21 CHEMICALS, INC. and HAWKINS, 22 INC., 23 Defendants.</p>	<p>CASE NO. 16-cv-1448</p> <p>CLASS ACTION COMPLAINT FOR VIOLATION OF THE SHERMAN ACT, 15 U.S.C. § 1</p> <p>DEMAND FOR JURY TRIAL</p>
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1 Plaintiff City of Bismarck (“Plaintiff”), on behalf of itself and all others similarly
2 situated, by and through undersigned counsel, upon information and belief, except as to
3 the allegations concerning Plaintiff, which are on actual knowledge, complains as
4 follows:
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6
7 **I. NATURE OF THE CASE**

8 1. This action arises from a combination or conspiracy to raise, fix, stabilize, or
9 maintain prices, and to allocate customers in the market for ferric chloride (“Ferric
10 Chloride”) sold in the United States, from at least as early as January 1, 2006, through
11 October 31, 2015 (the “Class Period”), by Defendants California Water Technologies,
12 LLC (“California Water”), PVS Chemicals, Inc. (“PVS Chemicals”), PVS Technologies,
13 Inc. (“PVS Technologies”), Kemira Chemicals, Inc. (“Kemira”), and Hawkins, Inc.
14 (“Hawkins”) (collectively, “Defendants”).
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18 2. Ferric Chloride is a water treatment chemical that is used to remove
19 impurities and other substances from potable water. It is also used in the treatment of
20 wastewater. California Water, PVS and Kemira are the leading Ferric Chloride
21 manufacturers in the United States, with approximately a combined 90% market share.
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24 3. Plaintiff brings this action to (i) recover treble damages, attorneys’ fees,
25 litigation expenses, and court costs, and (ii) secure injunctive relief for violations of
26 Section 1 of the Sherman Act of 1890 (“Sherman Act”), 15 U.S.C. § 1, pursuant to
27 Sections 4 and 16 of the Clayton Act of 1914 (“Clayton Act”), 15 U.S.C. §§ 15 and 26.
28

1 4. As alleged below, during the Class Period, Defendants combined, conspired,
2 and contracted to fix, raise, maintain, and stabilize prices at which Ferric Chloride would
3 be sold, and to allocate customers of Ferric Chloride among them. Defendants'
4 anticompetitive conduct resulted in higher prices for Ferric Chloride during the Class
5 Period than they would have been absent the conspiracy. As described below, there were
6 no economic reasons for these price increases as they were being implemented during a
7 period of declining raw material costs.
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10 **II. JURISDICTION AND VENUE**

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12 5. This Court has jurisdiction over the subject matter of this action pursuant to
13 Sections 4(a) and 16 of the Clayton Act, 15 U.S.C. §§ 15(a) and 26, and 28 U.S.C. §§
14 1331 and 1337.
15

16 6. Defendants and their co-conspirators engaged in conduct in the United
17 States that caused direct, substantial, and reasonably foreseeable and intended
18 anticompetitive effects upon interstate commerce within the United States.
19

20 7. Venue is proper in this district pursuant to Sections 4(a) and 12 of the
21 Clayton Act, 15 U.S.C. §§ 15(a) and 22, and 28 U.S.C. §§ 1391 (b), (c), and (d), because
22 a substantial portion of the affected interstate trade and commerce discussed below has
23 been carried out in this district, and one or more Defendants reside, are found, have
24 agents, are licensed to do business, are doing business, or transact business in this district.
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1 8. This Court has personal jurisdiction over each Defendant because, *inter alia*,
2 each Defendant: (a) transacted business in the United States, including in this district; (b)
3 directly or indirectly sold or marketed substantial quantities of Ferric Chloride throughout
4 the United States, including in this district; (c) had substantial aggregate contacts with the
5 United States as a whole, including in this district; or (d) was engaged in an illegal
6 conspiracy that was directed at, and had a direct, substantial, reasonably foreseeable, and
7 intended effect of causing injury to the business or property of persons and entities
8 residing in, located in, or doing business throughout the United States, including in this
9 district.
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13 III. PARTIES

14 A. Plaintiff

15 9. Plaintiff, City of Bismarck, North Dakota, is a municipal corporation of the
16 State of North Dakota with its principal place of business at 221 N. 5th Street, Bismarck,
17 North Dakota. During the Class Period, City of Bismarck directly purchased Ferric
18 Chloride from one or more of the Defendants, and has suffered antitrust injury as a result
19 of Defendants' wrongful conduct as alleged in this complaint.
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22

23 B. Defendants

24 10. Defendant California Water is a corporation existing under the laws of the
25 state of California, with its principal place of business at 8851 Dice Road, Santa Fe
26 Springs, California. California Water is a joint venture formed by Phibro-Tech, Inc. and
27
28

1 PVS Technologies. During the Class Period, directly or through its subsidiaries and
2 affiliates, California Water sold Ferric Chloride throughout the United States.

3
4 11. Defendant PVS Chemicals is a corporation existing under the laws of the
5 state of Michigan, with its principal place of business at 10900 Harper Avenue, Detroit,
6 MI. During the Class Period, directly or through its subsidiaries and affiliates, PVS
7
8 Chemicals sold Ferric Chloride throughout the United States.

9
10 12. Defendant PVS Technologies is a corporation existing under the laws of the
11 state of Michigan, with its principal place of business at 10900 Harper Avenue, Detroit,
12 MI. PVS Technologies is a wholly-owned subsidiary of PVS Chemicals. During the
13
14 Class Period, directly or through its subsidiaries and affiliates, PVS Technologies sold
15 Ferric Chloride throughout the United States.

16
17 13. PVS Chemicals and PVS Technologies are collectively referred to herein as
18 “PVS.”

19
20 14. Defendant Kemira is a publicly held Georgia corporation with its principal
21 place of business at 1000 Parkwood Circle, Suite 500, Atlanta, Georgia. Kemira is a
22 subsidiary of Kemira Oyj, a Finnish company with its principal place of business in
23
24 Helsinki, Finland. During the Class Period, directly or through its subsidiaries and
25 affiliates, Kemira sold Ferric Chloride throughout the United States.

26
27 15. Defendant Hawkins is a publicly held Minnesota corporation with its
28 principal place of business at 2381 Rosegate, Roseville, Minnesota. Hawkins blends,

1 manufactures, and distributes various chemical products. During the Class Period,
2 directly or through its subsidiaries and affiliates, Hawkins sold Ferric Chloride
3 throughout the United States.
4

5 16. Defendants engaged in the conduct alleged in this Complaint, and the
6 Defendants' officers, agents, employees, or representatives engaged in the alleged
7 conduct while actively involved in the management of Defendants' business and affairs.
8

9 **IV. AGENTS AND CO-CONSPIRATORS**

10 17. Each Defendant acted as the principal of, or agent for, all other Defendants
11 with respect to the acts, violations, and common course of conduct described in this
12 complaint.
13

14 18. Various other persons, firms, companies, and corporations not named as
15 Defendants have knowingly and willingly conspired with Defendants, and performed acts
16 and made statements in furtherance of the conspiracy and in furtherance of the
17 anticompetitive conduct.
18

19 19. The acts alleged to have been done by any Defendant or co-conspirator were
20 authorized, ordered, or done by its directors, officers, managers, agents, employees, or
21 representatives while actively engaged in the management, direction, or control of such
22 Defendant's or co-conspirator's affairs.
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V. INTERSTATE TRADE AND COMMERCE

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2 20. Defendants California Water, PVS and Kemira are the leading
3 manufacturers of Ferric Chloride sold in the United States, and together controlled
4 approximately 90 percent of Ferric Chloride manufacturing in the U.S. during the Class
5 Period.
6

7
8 21. During the Class Period, Defendants, directly or through one or more of
9 their affiliates, sold Ferric Chloride throughout the United States in a continuous and
10 uninterrupted flow of interstate commerce, including through and into this judicial
11 district.
12

13 22. The activities of Defendants and their co-conspirators as alleged in this
14 complaint were within the flow of, and intended to, and did, have a substantial effect on
15 interstate commerce in the United States.
16

17 23. Defendants' and their co-conspirators' conduct, including the marketing and
18 sale of Ferric Chloride, took place within, and has had, and was intended to have, a
19 direct, substantial, and reasonably foreseeable anticompetitive effect upon interstate
20 commerce within the United States.
21

22 24. The restraints alleged in this complaint directly and substantially affected
23 interstate commerce in that Defendants deprived Plaintiff and Class members of the
24 benefits of free and open competition in the purchase of Ferric Chloride within the United
25 States.
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28

VI. FACTUAL ALLEGATIONS

A. Background

25. Ferric Chloride is a water treatment chemical used to remove impurities and other substances from potable water by destabilizing and aggregating particles into large masses. It is also used in the treatment of wastewater.

26. The principal customers for Ferric Chloride are municipalities, which use it in potable water and wastewater treatment.

27. There are many advantages to using Ferric Chloride: (i) it produces a more discrete and dense floc that promotes sedimentation and separation, (ii) it has the ability to form floc over a wider ph range compared to other coagulants, and (iii) it results in one-third to two-thirds less sludge because of its superior dewatering characteristics. These differences translate into huge cost savings to customers, and set it apart from other coagulants. In a typical plant application, one can expect to use about 30 percent less Ferric Chloride than other coagulants to achieve similar results.

28. Purchasers routinely source their Ferric Chloride from one of the Defendants, which dominate the United States Ferric Chloride market.

29. Purchasers typically acquire their supplies of Ferric Chloride through a publicly-advertised bidding process. Contracts for Ferric Chloride are typically one year in duration, although some contracts provide for renewal for a period of an additional year.

1 30. Liquid Ferric Chloride is sold by the ton and by the gallon. Dry Ferric
2 Chloride is sold by the ton and by the pound. Supplies of Ferric Chloride are transported
3 by rail or truck.
4

5 31. Upon information and belief, sales of Ferric Chloride by Defendants in the
6 United States during the Class Period totaled hundreds of millions of dollars per year.
7

8 **B. The Characteristics of the United States Ferric Chloride Market Are**
9 **Conducive to Collusion**

10 32. The structure and characteristics of the Ferric Chloride market in the United
11 States are conducive to anticompetitive conduct and agreement.
12

13 33. **Product Homogeneity.** Industry associations, including the American
14 Water Research Foundation, classify Ferric Chloride as a commodity product. Therefore,
15 purchasers of Ferric Chloride are more likely to be influenced by price when making a
16 purchasing decision.
17

18 34. Product homogeneity also enhances Defendants' ability to collude on prices
19 and detect deviations from those collusive prices.
20

21 35. **Barriers to Entry.** There are substantial barriers that preclude, reduce, or
22 inhibit entry into the Ferric Chloride market, including high start-up costs, manufacturing
23 expertise, access to raw materials, and more importantly, access to customers and
24 distribution channels. As a result, Defendants were able to collectively raise prices and
25 allocate customers without fear of being undercut by new entrants.
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1 36. Defendants possess significant market power, which allowed them to raise
2 prices for Ferric Chloride in the United States above competitive levels.

3
4 37. **Inelasticity of Demand.** If a given change in price triggers a smaller
5 proportionate change in the quantity demanded, then the demand for the good or service
6 is said to be inelastic. The quantity demanded of Ferric Chloride is price inelastic. Such a
7 condition favors and gives greater power to the sellers, such as the Defendants here,
8 compared to the buyers in the Ferric Chloride market.
9

10
11 38. **Market Concentration.** The Ferric Chloride industry is highly
12 concentrated, dominated by a small number of companies. Together, Kemira, PVS and
13 California Water controlled about 90 percent of Ferric Chloride manufactured in the U.S.
14 during the Class Period.
15

16 39. **Opportunity to Collude.** Representatives of Defendants regularly attended
17 national and local industry conferences, such as those of the American Water Works
18 Association (“AWWA”), which provide convenient opportunities to collude. In addition
19 to national level meetings, there are over 40 state or regional AWWA sections that hold
20 their own meetings, training sessions and networking events. The American Chemistry
21 Council (“ACC”) also holds regularly scheduled meetings and conferences, which
22 Defendants also regularly attended.
23
24
25

26 40. **Market Concentration.** The Ferric Chloride industry is highly
27 concentrated, dominated by a small number of companies. Together, California Water,
28

1 PVS and Kemira control approximately 90 percent of Ferric Chloride manufactured in
2 the U.S.

3
4 **41. History of Collusive Conduct by Kemira.** Kemira settled a class action
5 alleging a conspiracy relating to hydrogen peroxide for \$5 million, in addition to
6 settlements of undisclosed sums with direct action litigants. In 2014, Kemira was fined
7 by the European Commission competition authorities (“EU Commission”) EUR 18
8 million for its role in a hydrogen peroxide conspiracy. In 2008, Kemira was fined EUR
9 10.15 million by the EU Commission for antitrust violations in its sodium chlorate
10 business.
11

12
13 **42. Raw Material Costs for Ferric Chloride Declined for Most of the Class**
14 **Period.** According to Spencer Wolff, Vice President of Sales and Marketing for Kemira,
15 chlorine is the primary raw material used in the manufacturing of Ferric Chloride,
16 accounting for 66 percent of the Ferric Chloride molecules. He also stated that the cost of
17 chlorine has a strong influence on the price of Ferric Chloride. The price of chlorine
18 declined during most of the Class Period, from a high of more than \$400 per ton in
19 January 2006 to approximately \$225 per ton in 2015. However, the price of Ferric
20 Chloride did not decline commensurate with the decline in the price of chlorine.
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25 **43. Defendants’ Anticompetitive Conduct Resulted in Higher Prices for**
26 **Ferric Chloride During the Class Period.** As discussed above, key raw material costs
27 were declining during most of the Class Period, lowering manufacturers’ production
28

1 costs. According to basic economic principles, lower production costs should result in
2 increased output and lower prices. However, for example, between January 2008 and
3 January 2009 the price of Ferric Chloride rose an average of 23%. During this same
4 period, the key raw material cost declined by more than 29% or approximately \$150 per
5 ton.
6

7
8 **C. Defendants' Conspiracy to Fix Prices and Allocate Ferric Chloride Customers**

9 44. Beginning at least as early as January 1, 2006 and continuing through
10 October 31, 2015, among other things, Defendants:
11

- 12 (a) agreed to stay away from each other's historic customers by not pursuing the
13 business of those customers;
- 14 (b) tracked bid and pricing histories to determine which accounts were the
15 historic customers of each co-conspirator or other supplier of Ferric
16 Chloride, so as to determine whether to pursue a particular contract or
17 submit an intentionally losing or throw-away bid or price quotation;
- 18 (c) submitted intentionally losing or throw-away bids or price quotations to each
19 other's historic Ferric Chloride customers;
- 20 (d) withdrew inadvertently winning bids submitted to co-conspirators' historic
21 customers; and
- 22 (e) engaged in compensating bidding practices: where a co-conspirator could
23 not withdraw its inadvertently winning bid, bidding to lose on one of its own
24 customers to compensate for the loss of that historic customer.

25 **E. Plaintiff Suffered Antitrust Injury**

26 45. Defendants' conspiracy had the following effects during the Class Period,
27 among others:
28

- 1 a. customers of Ferric Chloride were allocated among Defendants;
- 2 b. price competition was restrained or eliminated with respect to Ferric
- 3 Chloride; and
- 4 c. the prices of Ferric Chloride were fixed, raised, maintained, or stabilized at
- 5 artificially inflated levels.

6 46. During the Class Period, Defendants charged supra-competitive prices for
7 Ferric Chloride sold to Plaintiff and Class members. By reason of Defendants' alleged
8 violations of the antitrust laws, Plaintiff and Class members have sustained injury to their
9 businesses or property, having paid higher prices for Ferric Chloride than they would
10 have paid absent Defendants' alleged illegal contract, combination, or conspiracy, and, as
11 a result, suffered damages in an amount to be determined. This is an injury of the type the
12 antitrust laws were meant to punish and prevent.
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16 **VII. FRAUDULENT CONCEALMENT AND**

17 **TOLLING OF THE STATUTE OF LIMITATIONS**

18 47. Throughout the Class Period, Defendants affirmatively and fraudulently
19 concealed their unlawful conduct from discovery by Plaintiff and Class members.
20

21 48. During the Class Period, Plaintiff and Class members exercised reasonable
22 diligence. Plaintiff did not discover, and could not have discovered through the exercise
23 of reasonable diligence, which it, in fact, exercised, the existence of the conspiracy and
24 Defendants' and their co-conspirators' involvement in the conspiracy until October 27,
25 2015, when the Department of Justice announced that it was investigating anticompetitive
26 conduct involving water treatment chemicals.
27
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1 49. Because the conspiracy was actively concealed, Plaintiff was unaware of
2 Defendants' and their co-conspirators' unlawful conduct, and did not know that it was
3 paying artificially high prices for Ferric Chloride.
4

5 50. The affirmative acts of Defendants and their co-conspirators, including acts
6 in furtherance of the conspiracy, were wrongfully concealed and carried out in a manner
7 that precluded detection.
8

9 51. Defendants and their co-conspirators agreed among themselves not to
10 discuss publicly, or otherwise reveal, the nature and substance of the acts and
11 communications in furtherance of their illegal conspiracy.
12

13 52. Defendants and their co-conspirators met and communicated secretly
14 concerning the pricing and marketing of Ferric Chloride so as to avoid detection.
15

16 53. Plaintiff could not have discovered the alleged conspiracy at an earlier date
17 by the exercise of reasonable diligence because of the deceptive practices and secrecy
18 techniques employed by Defendants and their co-conspirators to avoid detection of, and
19 fraudulently conceal, their contract, conspiracy, or combination.
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22 54. Defendants' conspiracy was fraudulently concealed by various means and
23 methods, including, but not limited to, secret meetings, misrepresentations to customers,
24 and surreptitious communications among Defendants and their co-conspirators via
25 telephone or in in-person meetings in order to prevent the existence of written records.
26 For example, Defendants submitted "non-collusion" affidavits with their bids to supply
27
28

1 Ferric Chloride to customers, certifying that they did not discuss pricing or share
2 competitive information about Ferric Chloride. Defendants also publicly attributed the
3 price increases to increases in the cost of raw materials.
4

5 55. Because the alleged conspiracy was affirmatively concealed by Defendants
6 and their co-conspirators, Plaintiff had no knowledge of the alleged conspiracy or any
7 facts or information that would have caused a reasonably diligent person to investigate
8 whether a conspiracy existed until October 27, 2015.
9

10 56. None of the facts or information available to Plaintiff prior to October 27,
11 2015, if investigated with reasonable diligence, could or would have led to the discovery
12 of the conspiracy prior to October 27, 2015.
13

14 57. As a result of Defendants' and their co-conspirators' fraudulent concealment
15 of the conspiracy, the running of any statute of limitations has been tolled with respect to
16 Plaintiff's claims of anticompetitive conduct alleged in this Complaint.
17

18 **VIII. CLASS ACTION ALLEGATIONS**

19 58. Plaintiff brings this action on behalf of itself and, pursuant to Federal Rules
20 of Civil Procedure 23(a) and 23(b)(3), as representative of a Class defined as follows:
21

22 All persons or entities who purchased Ferric Chloride in the United States,
23 its territories or possessions, directly from any Defendant, or from any of
24 their parents, predecessors, successors, subsidiaries, or affiliates, at any time
25 during the period from and including January 1, 2006 through October 31,
26 2015. Excluded from the Class are Defendants and their officers, employees,
27 agents, representatives, parents, subsidiaries and affiliates and the federal
28 government and all parts thereof.

1 59. Members of the Class are so numerous and geographically dispersed across
2 the United States that joinder is impracticable. While the exact number of Class members
3 is unknown to Plaintiff, it is believed to be in the thousands and geographically dispersed
4 throughout the United States. Furthermore, the Class is readily identifiable from
5 information and records in possession of the Defendants.
6

7
8 60. Plaintiff's claims are typical of the claims of the Class. Plaintiff and the
9 Class were damaged by the same wrongful conduct by the Defendants, that is, they paid
10 artificially inflated prices for Ferric Chloride as a result of Defendants' anti-competitive
11 and unlawful conduct.
12

13 61. Plaintiff is a member of the Class, and will fairly and adequately protect and
14 represent the interests of the Class. Plaintiff's interests are coincident with, and not
15 antagonistic to, those of the Class.
16

17 62. Plaintiff is represented by counsel who are experienced and competent in the
18 prosecution of class action antitrust litigation.
19

20 63. Questions of law and fact common to the Class predominate over questions,
21 if any, that may affect only individual Class members because Defendants have acted on
22 grounds generally applicable to the entire Class. Such generally applicable conduct is
23 inherent in Defendants' anti-competitive and unlawful conduct.
24

25 64. Questions of law and fact common to the Class include, but are not limited
26 to:
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- 1 a. Whether Defendants combined, agreed, or conspired to fix, raise, maintain,
2 or stabilize the prices and to allocate customers of Ferric Chloride sold in the
3 United States;
- 4 b. The existence, extent, and duration of the illegal contract, combination, or
5 conspiracy alleged herein;
- 6 c. Whether the contract, combination, or conspiracy caused prices of Ferric
7 Chloride to be higher than they would have been in the absence of
8 Defendants' conduct;
- 9 d. Whether Plaintiff and other Class members were injured by Defendants'
10 conduct;
- 11 e. Whether Defendants' conduct violated Section 1 of the Sherman Act; and
- 12 f. The appropriate measure of the damages suffered by Class members.

13 65. A class action is superior to other available methods for the fair and efficient
14 adjudication of this controversy because individual joinder of all damaged Class
15 members is impracticable. Treatment as a class action will permit a large number of
16 similarly situated persons to adjudicate their common claims in a single forum
17 simultaneously, effectively, and without the duplication of effort and expense that
18 numerous individual actions would engender. Prosecution of this action as a class action
19 will eliminate the possibility of repetitive litigation. Class treatment also will permit the
20 adjudication of relatively small claims by Class members who otherwise could not afford
21 to litigate an antitrust claim such as is asserted in this litigation. Thus, absent the
22 availability of a class action, it would not be feasible for Class members to redress the
23 wrongs done to them.
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1 c. Competition in establishing the prices paid for Ferric Chloride was
2 unlawfully restrained, suppressed, or eliminated.

3 72. Defendants' and their co-conspirators' anticompetitive activities directly and
4 proximately caused injury to Plaintiff and Class members.

5 73. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff
6 and Class members paid artificially inflated prices for Ferric Chloride.

7 74. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff
8 and the Class members were damaged in their businesses or property by paying higher
9 prices for Ferric Chloride than they would have been but for Defendants' unlawful
10 conduct, which resulted in an amount of ascertainable damages to be established at trial.

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12
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14 **X. PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff, on behalf of itself and Class members, prays that the
16 Court:

17 A. Cite Defendants to appear and answer this lawsuit;

18 B. Certify this action as a class action, designate Plaintiff as the representative
19 of the Class, and appoint Plaintiff's counsel as Class counsel;

20 C. Adjudge and decree that Defendants' unlawful contract, combination, or
21 conspiracy constitutes a per se violation of Section 1 of the Sherman Act;

22 D. Adjudge and decree that each Defendant, and its successors, assigns,
23 parents, subsidiaries, affiliates, and transferees, and their respective officers, directors,
24 agents, and employees, and all other persons acting or claiming to act on behalf of any of
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1 them or in concert with them, be permanently enjoined and restrained from in any
2 manner, directly or indirectly, continuing, maintaining, or renewing the combination,
3 conspiracy, agreement, understanding, or concert of action, or adopting any practice,
4 plan, program, or design having a similar purpose or effect in restraining competition in
5 the United States Ferric Chloride market;
6

7
8 E. Enter judgment against Defendants, jointly and severally, in favor of
9 Plaintiff and Class members for treble damages determined to have been sustained by
10 them by virtue of Defendants' and their co-conspirators' violations of the Sherman Act;
11

12 F. Award Plaintiff and Class members attorneys' fees, litigation expenses, and
13 court costs, as well as pre-judgment and post-judgment interest as permitted by United
14 States law; and
15

16 G. Grant Plaintiff and Class members such other and further relief as the case
17 may require, or as the Court deems just and proper under the circumstances.
18

19 **XI. JURY DEMAND**

20 Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by
21 jury.
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1 Dated: March 2, 2016

KAPLAN FOX & KILSHEIMER LLP

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**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I. (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>)	DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>)
(b) County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>	County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i>
(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.	Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1. U.S. Government Plaintiff <input type="checkbox"/> 2. U.S. Government Defendant <input type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES -For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">Citizen of This State</td> <td style="width:5%;">PTF</td> <td style="width:5%;">DEF</td> <td style="width:30%;">Incorporated or Principal Place of Business in this State</td> <td style="width:5%;">PTF</td> <td style="width:5%;">DEF</td> </tr> <tr> <td></td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td></td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF		<input type="checkbox"/> 1	<input type="checkbox"/> 1		<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF																				
	<input type="checkbox"/> 1	<input type="checkbox"/> 1		<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

1. Original Proceeding
 2. Removed from State Court
 3. Remanded from Appellate Court
 4. Reinstated or Reopened
 5. Transferred from Another District (Specify)
 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT:** \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 140 Negotiable Instrument	TORTS	PERSONAL PROPERTY	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	PERSONAL INJURY	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 350 Motor Vehicle	CIVIL RIGHTS	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 891 Agricultural Acts	REAL PROPERTY	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	LABOR	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision		<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
		<input type="checkbox"/> 448 Education	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<p>QUESTION A: Was this case removed from state court? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.</p>	<p align="center">STATE CASE WAS PENDING IN THE COUNTY OF:</p> <input type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo <input type="checkbox"/> Orange <input type="checkbox"/> Riverside or San Bernardino	<p align="center">INITIAL DIVISION IN CACD IS:</p> Western Southern Eastern
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<p>QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "no," skip to Question C. If "yes," answer Question B.1, at right.</p>	<p>B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> →</p> <p>B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →</p>	<p><input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Continue to Question B.2.</p> <p><input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.</p>
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<p>QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "no," skip to Question D. If "yes," answer Question C.1, at right.</p>	<p>C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> →</p> <p>C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →</p>	<p><input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Continue to Question C.2.</p> <p><input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.</p>
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QUESTION D: Location of plaintiffs and defendants?	A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<p>D.1. Is there at least one answer in Column A? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. →</p>	<p>D.2. Is there at least one answer in Column B? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓</p>
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QUESTION E: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, C, or D above: →	

QUESTION F: Northern Counties?

Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? Yes No

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

IX(a). IDENTICAL CASES: Has this action been previously filed **in this court**? NO YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed **in this court**? NO YES

If yes, list case number(s): _____

Civil cases are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT): _____ **DATE:** _____

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))