

Concrete Cos. Accused Of Cementing Cartels

Law360, Fort Wayne (July 25, 2017, 2:05 PM EDT) — Two concrete companies on Monday brought a lawsuit in federal court in Atlanta alleging several rivals participated in two separate but related cartels in the portland cement and ready mix concrete markets in Georgia and South Carolina. Argos North America Corp., Holcim Inc. and Cemex Inc. conspired to fix prices and corner the market for cement while Argos, Evans Concrete LLC, Thomas Concrete LLC and Elite Concrete LLC divvied up customers, rigged bids and boycotted competitors to inflate prices for ready mix concrete, according to the complaint filed by Southeast Ready Mix LLC and now-defunct Mayson Concrete Inc. Argos, which is active in both markets, facilitated the two cartels, the complaint alleges. “Common to both cartels is Argos, a vertically integrated international supplier of both products, which leverages its dominant position in the upstream cement market to benefit the cartel in the ready mix concrete market,” the complaint said. The alleged schemes began in 2009 in the market for ready mix concrete, a common building material that contains portland cement as an ingredient, when the participants joined together to fix prices for the product in southeast Georgia, according to the complaint. The companies tried to recruit new ready mix suppliers into their scheme, and if they did not cooperate, they were forced out of the market through price cuts by cartel members that the nonparticipants could not match, the complaint said.

In 2016, the conspirators stepped up their activity by carving out geographic areas in the region that were allocated among themselves, according to the complaint. Mayson and Southeast Ready Mix were both targets of the conspiracy, which forced Mayson out of business, the complaint said. Meanwhile, since at least 2012, Argos and other companies conspired to fix prices and exchange sensitive information on competitors in the market for portland cement, a binding agent indispensable for making ready mix concrete, the complaint said. The suit seeks a temporary restraining order against the companies and treble antitrust damages. Representatives of the cement and ready mix companies did not immediately respond to a request for comment or could not be reached for comment Tuesday. Southeast Ready Mix and Mayson are represented by Jarod Bona and Aaron R. Gott of Bona Law PC and **Richard L. Robbins** of **Robbins Ross Alloy Belinfante Littlefield LLC**. Representation information for the ready mix and cement companies was not immediately available.

The case is Southeast Ready Mix LLC et al. v. Argos North America Corp. et al., case number 17-cv-02792, in the U.S. District Court for the Northern District of Georgia.

For more information please contact Richard Robbins or Rachel Gage.