



New York State Archives

**New York State Department of Law Antitrust Bureau Antitrust
Investigation and Litigation Files 17123**

New York State Archives
222 Madison Avenue
Albany, NY 12230
archref@nysed.gov
URL: <http://www.archives.nysed.gov/>

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Overview of the Records

Repository:	New York State Archives
Summary:	The Antitrust Bureau of the Department of Law reviews anti-competitive practices that raise prices paid by consumers and government to purchase goods and services necessary for everyday living and the proper functioning of government. The series consists of legal case files, briefs, settlement negotiations, investigation files, hearing records, related correspondence and memoranda, and some administrative records produced by the Antitrust Bureau and its predecessor agencies in investigating complaints and bringing civil and criminal actions against violators of the antitrust laws.
Creator:	New York (State). Department of Law. Antitrust Bureau
Title:	Antitrust investigation and litigation files
Quantity:	1151 cubic feet
Inclusive Date:	1923-2002
Bulk Date:	1933-1946, 1961-1996
Series:	17123

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Arrangement

Arranged by type or name of business investigated or named as a party in litigation.

17123-99, 17123-02, 17123-08, 17123-14: Arranged by year file was closed, then by type/ name of business investigated or named as litigant.

17123-08A: Rough chronological by year file was closed.

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Administrative History

The Department of Law has broad injunction and subpoena powers against violators of antitrust laws. The Antitrust Bureau reviews anti-competitive practices that raise prices paid by consumers and government to purchase goods and services necessary for everyday living and the proper functioning of government.

It also enforces antimonopoly laws, and specifically holds hearings according to section 343 of the General Business Law, and the "Donnelly Act" which is New York's equivalent of the Sherman Antitrust Act. Under these laws it is illegal to establish a monopoly or restrain business competition.

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Scope and Content Note

The series consists of legal case files, briefs, settlement negotiations, investigation files, hearing records, related correspondence and memoranda, and some administrative records produced by the Antitrust Bureau and its predecessor agencies in investigating complaints and bringing civil and criminal actions against violators of the antitrust laws.

The records document enforcement of antimonopoly laws, specifically hearings according to section 343 of the General Business Law, and the "Donnelly Act." Records reflect investigations of alleged price fixing, collusive bidding, controlling or manipulating market allocations, organizing boycotts in restraint of trade, and other improper restrictive practices. Investigations focused on businesses dealing in consumer goods and services, and led to trials in both state and federal courts.

Litigation files may contain some or all of the following: index or inventory of documents; complaints, amended complaints, and responses; and trial court papers, including pleadings, petitions, orders, stipulations, affidavits of service and in opposition to injunctions, interrogatories, docket records, briefs, opinions, transcripts of testimony, and documentary exhibits.

Investigation files typically contain correspondence and memoranda; information on relevant cases or precedents; background material, reports, published material, and research on businesses or industry; interview notes and working papers of investigators; and copies of press releases and news articles.

Administrative records are found in smaller amounts and include correspondence files (daily and quarterly) including memoranda to the attorney general; status reports and annual

reports; mail logs, scheduling files, and personnel files on interns; budget requests and supply requisitions; and press clippings and personal clipping files.

17123-99: This accretion consists of Antitrust Bureau investigation and litigation files that were closed in 1986 and 1987. Among the companies and/or subjects represented are Carvel; USAir-Piedmont Acquisition; Highway Superbid; Phelps Dodge; Dellwood; Dairylea; and Wilk v. AMA.

17123-02: The files in this accretion document the following cases: the application of Texas Air Corporation (TAC) and Eastern Air Lines, Inc. for approval of acquisition of control of Eastern by TAC; the application of Texas Air Corporation (TAC) and People Express, Inc. for approval of acquisition of control of People Express by TAC; State of New York v. American Medical Association, et al; and State of New York v. Amfar Asphalt Corp., Hendrickson Brothers, Inc., et al. In addition a significant portion of the investigation files documents a statewide investigation into bidding practices of highway construction contractors operating in New York.

The investigation, which opened in 1982, focused on the alleged existence of agreements among construction firms to submit collusive, non-competitive, and rigged bids in connection with public highway construction projects. This accretion also includes investigation files concerning the practices of the New York City Transit Authority.

17123-08: Antitrust cases documented in this accretion include NY v. Clozaril and NY v. Sullivan Highway Products, Inc.

17123-08A: This accretion contains case files closed during the years 1989 and 1991-1994. Case topics include drug wholesalers, Amfar-Trial, dental equipment, Long Island Taxi, Nintendo, Medicaid, Brooks Drugs, infant formula, NY v. Rattenni, Eastern Ambulance, Rochester auto dealers, and NY v. Panasonic.

17123-10: The bulk of this accretion documents the case NY v. Kraft.

17123-16: This accretion consists of case files, briefs, settlement negotiations, and other records of Section 343 hearings.

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Other Finding Aids

Available at Repository

Container lists for accretions other than 17123-92, 17123-02, 17123-10A, and 17123-10B are available at the repository. A folder list is available for accretion 17123-10.

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Use of Records

Access Restrictions

Records may contain grand jury testimony which is closed under the Criminal Procedures Law, and other records that may contain information that is exempt from disclosure pursuant to state or federal statute or common law. Use under supervision; reference archivist should scan contents and withhold any grand jury testimony for return to the Department of Law.

Administrative Information

Acquisition Information

17123-99: This accretion includes records from transfer lists 900390, 900391, and 900389.

17123-02: This accretion includes records from transfer lists 900388, 960419, 900392, and 960420.

17123-14: This accretion includes records from transfer lists 730367, 730369, 850383, and 850382.

17123-15: This accretion includes records from transfer lists 730362, 730363, 730364, and 730365.

17123-16: This accretion includes records from transfer lists 030876 and 030877

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Access Terms

- Investigating monopolies
- Protecting consumers
- Antitrust law
- Legal files
- Reports
- Monopolies
- New York (State)

- Restraint of trade
- Memorandums
- Consolidation and merger of corporations--New York (State)
- Competition, Unfair
- Cartels
- New York (State). Attorney General's Office