

# AG MORRISEY SEEKS TRIPLE DAMAGES, MAXIMUM FINE IN PAVING ANTITRUST CASE

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CHARLESTON, WV (NEWS RELEASE) — West Virginia Attorney General Patrick Morrisey sued 11 asphalt and paving companies Wednesday alleging their violations of the state’s Antitrust Act caused taxpayers enormous harm.

The lawsuit alleges CRH plc and its numerous subsidiaries, Kelly Paving Inc. and American Asphalt & Aggregate Inc., through acquisition or non-compete agreements, unlawfully drove out competitors and pushed asphalt prices higher across a substantial portion of West Virginia.

The Attorney General seeks maximum fines and a judgment for three times the state’s damages, along with an order taking all steps necessary to restore competition within the state-approved asphalt manufacturing and sale market.

“Any corporate conspiracy aimed at driving out competition must be stopped,” Attorney General Morrisey said. “Such predatory schemes inflate prices and come at a tremendous cost.”

The lawsuit contends the price of state-approved asphalt increased at a higher rate in areas controlled by CRH and other defendants as compared to other parts of the state where competition is robust.

Unnecessarily high prices further strain an already tight highways budget. That forces the state to delay construction projects, some indefinitely, causing immeasurable economic damage and unconscionable public safety risks, the lawsuit states.



The Attorney General's Office will lead the lawsuit with the state's Department of Transportation as fellow plaintiff.

"Let's be clear: when the highways department needs counsel for the filing of an antitrust matter, they must seek approval through the Attorney General's office," Attorney General Morrissey said. "When the Governor seeks outside counsel for the filing of any matter in court, it must obtain the approval of the Attorney General's office."

"Hiring private counsel without approval of my office is not only against the law - it represents the very essence of the friends and family plan that I ran against and that voters rejected," he continued.

"Importantly, I want to save money on this bid - which is why we are hopeful to pay outside counsel between 17 and 25 percent of any fees earned on this matter - the purported contract between the private firm and highways would have cost taxpayers far more money," Attorney General Morrissey said. "We will always do the right thing and will not rush a defective filing forward simply because someone in the media or local government wants to generate headlines."

The civil complaint, filed in Kanawha Circuit Court, sets forth charges of trade restraint, monopolization and attempts to monopolize - all violations of the state's Antitrust Act - along with a count of unjust enrichment.

Other defendants listed in the complaint are Oldcastle Inc., Oldcastle Materials Inc., West Virginia Paving Inc., Southern West Virginia Paving Inc., Southern West Virginia Asphalt Inc., Camden Materials LLC, American Asphalt of West Virginia LLC and Blacktop Industries & Equipment Company.