

[Civil Action No. 3179-51]

COMPLAINT

1. The plaintiffs, Benjamin D. Ritholz, Samuel J. Ritholz, Morris I. Ritholz, Fanny Ritholz, Sylvia Ritholz, Sophie Ritholz, Anna Bedno and Jacob Bedno, a partnership t/a Dr. Ritholz & Sons Co., are citizens of the United States and residents of Chicago, Illinois, and bring this action against the defendants, Lewis M. Kraskin, Rex B. Sheley, District of Columbia Board of Optometry, an agency of the Municipal Government of the District of Columbia, and District of Columbia Optometric Association, a corporation. The individual defendants are citizens of the United States and residents of the District of Columbia. The District of Columbia Optometric Association is a corporation organized under the laws of the District of Columbia. This action arises under the provisions of Sections 15 and 26 of Title 15, USCA, and is for injunctive relief and for damages to compensate for injuries sustained by the plaintiffs in their business and property by reason of the commission by the defendants of acts forbidden by Section 3 of the Sherman Antitrust Act (Title 15, Section 3, USCA, as amended), and the Clayton Act as hereinafter more fully set forth. The plaintiffs' cause of action is also based upon upon the defendants' liability for malicious and wrongful injury to the plaintiffs' means of livelihood.

2. The plaintiffs are and have been engaged for many years in the business of manufacturing and selling eye glasses and contact lenses at prices and for fees considerably less than their competitors and they operate retail offices in several cities in the United States and Canada. Since about November 1950, they have operated a retail office in the Westory Building at 605-14th Street NW., in the District of Columbia, under the trade names of King Optical Company and D.C. Invisible Contact Lens Service.

3. The defendants Rex B. Sheley and Lewis H. Kraskin are President and Secretary-Treasurer respectively of the District of Columbia Board of Optometry, and the District of Columbia Board of Optometry is an agency of the Municipal Government of the District of Columbia, created by Title 2, Section 503, of the Code of Laws for the District of Columbia, its officers being appointed by the Board of Commissioners for the District of Columbia and said officers control, direct, and manage the policy and operations of the Board of Optometry of the District of Columbia, including the examination and rating of examination papers of applicants for licenses to practice optometry in the District of Columbia.

4. In the business of obtaining the patronage of purchasers of eye glasses and contact lenses in the City of Washington, District of Columbia, the plaintiffs customarily either employ or associate with themselves physicians or optometrists, licensed and authorized by the District of Columbia to examine and prescribe eye glasses and contact lenses for persons desiring and needing eye correction. The plaintiffs extensively advertise their services and facilities and their reduced prices. The defendants Lewis H. Kraskin and Rex B. Sheley, beginning on or about November 1950 and continuing thenceforth, combined and conspired between themselves and with other members of the District of Columbia Optometric Association in the District of Columbia, the names and identities of the others being at this time unknown to the plaintiffs, and they have continued to combine and conspire to unlawfully restrain trade and commerce within the District of Columbia and to eliminate the competition of the plaintiffs in the manufacture and sale of eye glasses and contact lenses and their purpose in so combining and conspiring has been to stifle the competition of the plaintiffs and to fix, maintain, and keep at a higher price level eye glasses and contact lenses sold within the District of Columbia and in furtherance of such unlawful combination and conspiracy the defendants actively instructed licensed optometrists to refrain from obtaining employment or association in any way with the plaintiffs at their office within the District of Columbia and that at meetings of the District of Columbia Optometric Association the usual order of business during the past ten months has provided for discussions in which the individual defendants sought suggestions and arranged to formulate means to injure the plaintiffs' business in the District of Columbia and their means of earning a livelihood therein.

5. The defendants Lewis H. Kraskin and Rex B. Sheley, District of Columbia Optometric Association, and the District of Columbia Board of Optometry acting through its Secretary-Treasurer, Lewis H. Kraskin, and its president, Rex B. Sheley, and in furtherance of their unlawful conspiracy and combination and in