

# Four West Virginia Cities File Antitrust Lawsuits Against Asphalt Companies

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*Suit claims companies have worked together to eliminate competition and raise prices, costing municipalities across West Virginia tens of millions of dollars.*

Four cities in West Virginia filed class-action lawsuits against a group of asphalt companies that have worked together to create a monopoly that has driven up asphalt prices in West Virginia by 40 percent.

The defendants – including West Virginia Paving, Southern West Virginia Paving, Southern West Virginia Asphalt, Kelly Paving and others – are no longer competing but instead have worked together to create a *de facto* monopoly that allows them to charge inflated prices.

The suits were filed by Bailey Glasser Partner Ben Bailey, a former federal prosecutor; Charles Little, the firm's Chief Investigator, conducted the investigation leading to the filing of the complaints.

The suits were filed by the City of Charleston in Kanawha County Circuit Court, the City of Parkersburg in Wood County Circuit Court, the City of Beckley in Raleigh County Circuit Court, and the City of Bluefield in Mercer County Circuit Court.

According to the suits, the defendants have cooperated to eliminate competitors and maintain the appearance of a competitive marketplace, while actual competition disappeared. The defendants have gained control of at least 15 asphalt plants in West Virginia that once competed with each other. They have also acquired or combined numerous paving companies, allowing them to control both the supply of asphalt and the actions of paving contractors.

The result has forced customers to pay at least 40 percent more than they should, allowing the companies to reap millions of dollars in overpayments. These overcharges have resulted in less road construction and maintenance. The lawsuit seeks to end this monopolization and recover the overcharges that resulted.

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A copy of the complaint filed in Kanawha County can be found [here](#).

Media Coverage:

Charleston Gazette-Mail: [Kanawha commissioners vote to join WV Paving lawsuit](#)

West Virginia Metro News: [Attorney outlines claims included in asphalt suit](#)

Law 360: [Asphalt Companies Hit With Antitrust Suits By W.Va. Cities](#)

The Register-Herald: [City of Beckley sues paving companies for monopolizing the industry](#)

Bluefield Daily Telegraph: [Class action lawsuit claims wrong doing by asphalt suppliers](#)

### **Attorneys**

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### **Practice Areas**

Business Litigation & Counseling