

Huntington Files Antitrust Lawsuit 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.

The City of Huntington has filed a class-action lawsuit 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. Suits have also been filed by the cities of Charleston, Beckley, Parkersburg, Bluefield, and the Kanawha County Commission.

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.

Huntington's suit was filed by attorneys Ben Bailey, former federal prosecutor and partner at Bailey Glasser LLP, and Charleston lawyer Charles "Rusty" Webb. Charles Little, Bailey & Glaser's Chief Investigator, conducted the investigation leading to the filing of the complaints.

According to the suit, 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.

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

Attorneys

Benjamin L. Bailey

Charles F. Little

Practice Areas

Business Litigation & Counseling