

From: [Maxymillian, Kris A](#)
To: [AGO - Public Records Requests](#)
Subject: Criminal Prosecutions for Monopolization under Vt. Stat. Ann. tit. 9, § 2453
Date: Wednesday, July 19, 2023 12:31:53 PM

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To Whom It May Concern,

I hope this email finds you well. My name is Kris Maxymillian, and I am a law student and research assistant at the University of Houston Law Center for Professor Nikolas Guggenberger. I've been researching on his behalf, gathering information on the U.S. states' histories of prosecuting individuals or corporations criminally for monopolization or attempted monopolization violations. I am writing to request information regarding Vermont's criminal prosecutions for monopolization. I am particularly interested in obtaining any data related to such prosecutions initiated by your esteemed division.

With the U.S. Dept. of Justice looking to renew criminal prosecutions under Section 2 of the Sherman Antitrust Act, we are looking to compile relevant cases that discuss what behaviors rise to the level of criminalization. Under Vermont law, violators can be punished with fines and/or imprisonment pursuant to Vt. Stat. Ann. tit. 9, § 2453. The statute states "(a) Unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce are hereby declared unlawful.

(b) It is the intent of the Legislature that in construing subsection (a) of this section, the courts of this State will be guided by the construction of similar terms contained in Section 5(a)(1) of the Federal Trade Commission Act¹ as from time to time amended by the Federal Trade Commission and the courts of the United States."

Does the Vermont Attorney General's office have any history of prosecuting under this statute? If Vermont has a history of doing so, I kindly would like to request access to the following information:

1. List of criminal prosecutions for monopolization under Vt. Stat. Ann. tit. 9, § 2453: I would appreciate a comprehensive list of all criminal prosecutions conducted by your division as far back as the records allow.
2. Case summaries and outcomes: For each prosecution, I would be grateful to receive case summaries, including details of the alleged monopolistic behavior, legal proceedings, and the final outcome of the case (conviction, acquittal, dismissal, etc.).
3. Relevant court documents: If possible, please provide access to court documents such as indictments, pleadings, judgments, and other relevant materials that shed light on the legal proceedings.
4. Statistics and trends: Any statistical data or reports highlighting trends, patterns, or changes in the frequency or outcomes of criminal prosecutions for monopolization would be highly valuable for my research.

Alternatively, if Vermont does not have a history of criminal prosecutions under its statute, we would like to ask the questions below to understand Vermont's enforcement rationale and process.

- Has Vermont prosecuted any person or entity criminally under its antitrust and restraint of trade statutes?
 - If so, could you list the type of violations normally prosecuted criminally?
- Does your division have a practice of working with the Department of Justice for your criminal enforcement actions?
 - If so, could you provide a list of any actions related to monopolization that were referred to the DOJ where a defendant served a prison sentence or paid a fine?

I understand that you may need to redact certain sensitive information or protect the privacy of individuals involved in the cases. I assure you that I will use the information solely for academic research purposes and will handle it with the utmost care and confidentiality. If any fees are associated with this request, please let me know in advance. I am willing to cover reasonable costs for compiling and providing the requested information.

I look forward to any insights you can provide in response to this request. Thank you in advance for your time and attention to this matter. Please feel free to contact me if you require additional information or have any questions.

Best Regards,

Kris Maxymillian
University of Houston Law Center | JD Candidate 2025

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