

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA  
NEW ORLEANS DIVISION

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

VENICE WORK VESSELS, INC.; )  
LEANDER H. PEREZ, SR.; )  
LUKE A. PETROVICH; )  
WARREN J. O'BRIEN; and )  
THOMAS POPICH, )

Defendants. )

CIVIL NO. 67-1623

SECTION "G"

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on November 6, 1967, each of the defendants named therein (except Leander H. Perez, Sr., notice of whose death was filed with the Court on May 7, 1969, and who is therefore no longer a defendant), having appeared and filed answers denying the substantive allegations of said Complaint, and the plaintiff and each of the defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence or admission by any party with respect to any such issue:

NOW, THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law

herein, and upon consent of the parties hereto, it is hereby

ORDERED, ADJUDGED, AND DECREED as follows:

I

This Court has jurisdiction of the subject matter herein and of the parties consenting hereto. The Complaint states claims upon which relief may be granted against the defendants, and each of them, under Sections 1 and 2 of the Act of Congress of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," as amended, commonly known as the Sherman Act.

II

For the purpose of the Final Judgment:

(A) "Defendants" means Venice Work Vessels, Inc., Luke A. Petrovich, Warren J. O'Brien and Thomas Popich;

(B) "WV" means Venice Work Vessels, Inc.;

(C) "Person" means any individual, partnership, corporation or other legal entity;

(D) "Plaquemines Area" means Plaquemines Parish, Louisiana and the areas of the State of Louisiana adjacent thereto, including the lower Mississippi River, canals and other waterways within or proximate to the aforesaid Parish, and coastal waters proximate to the aforesaid areas of the State of Louisiana;

(E) "Work vessels" means luggers (150 to 300 horsepower class) and tugs (300 to 1200 horsepower class) employed by the oil, gas, and mineral industries in the Plaquemines Area;

(F) "Casual charter" means the short term rental of work vessels on either an hourly or daily rate basis for the performance of specific jobs;

(G) "Hiring companies" means those companies which hire work vessels on a casual charter basis in conjunction with oil, gas, and mineral exploration and extraction operations in the Plaquemines Area.

### III

The provisions of this Final Judgment applicable to any defendant shall apply to such defendant, its successors, assigns, officers, directors, agents, servants, and employees, and to all persons in active concert or participation with such defendant who receive actual notice of this Final Judgment by personal service or otherwise.

### IV

Defendants are jointly and severally enjoined and restrained from, directly or indirectly:

(A) Entering into, adhering to, maintaining or claiming any right under any contract, combination, agreement, understanding, plan or program pursuant to which work vessel owners in the Plaquemines Area are or will be required to broker their work vessels through VWV or to refrain from brokering their work vessels through brokers in competition with VWV;

(B) Entering into, adhering to, maintaining or claiming any right under any contract, combination, agreement, understanding, plan or program pursuant to which hiring companies operating in the Plaquemines Area are or will be required to

obtain work vessels through VWV or to refrain from obtaining work vessels through competitors of VWV;

(C) Hindering, restricting, inhibiting, limiting or preventing, or attempting to hinder, restrict, inhibit, limit or prevent, or inducing or causing third parties to hinder, restrict, inhibit, limit or prevent, any person from hiring work vessels from any competitor of Venice Work Vessels by any means whatsoever;

(D) Interfering with or obstructing, or attempting to interfere with or obstruct, inducing or causing third parties to interfere with or obstruct, by any means whatsoever, the operations of competitors of Venice Work Vessels.

#### V

Defendant VWV is required to furnish, within sixty (60) days after the entry hereof, a copy of this Final Judgment:

- (A) to each hiring company whom VWV has billed an amount totalling in excess of \$3,000 during calendar year 1970;
- (B) to all work vessel owners in the Plaquemines Area who have brokered work vessels through VWV at any time during the years 1969 and 1970.

#### VI

Nothing contained in this Final Judgment shall prohibit defendant Petrovich from fully carrying out the official duties and responsibilities associated with his position of Plaquemines Parish Commissioner of Public Safety.

VII

For the purpose of determining or securing compliance with this Final Judgment, and for no other purpose, duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant, made at its principal office, be permitted, (A) access during the office hours of said defendant, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of said defendant relating to any matters contained in this Final Judgment; and (B) subject to the reasonable convenience of said defendant and without restraint or interference from it, to interview officers or employees of such defendant, who may have counsel present regarding any such matters; and (C) upon such request, the defendant shall submit reports in writing in respect of any such matters as may from time to time be requested. No information obtained by the means provided in this Section VII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of such department, except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment, or as otherwise provided by law.

VIII

Jurisdiction of this cause is retained for the purpose of enabling any of the parties to this Final Judgment to apply to the Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification or termination of any of the provisions thereof, for the enforcement of compliance therewith, and for punishment of violation thereof.

Dated: 3/9/72

s/ John H. Cassberry  
United States District Judge

H. K. ...  
KOBEN BROTHERS, INC., et al.  
JUSTIN ...  
CORPORATION