

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Civil No. 71-C-197
) Filed: May 3, 1971
 WEBSTER ELECTRIC COMPANY, INC.)
) Entered: June 2, 1971
 Defendant.)

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on May 3, 1971, defendant having appeared by its counsel, and the parties hereto, 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 evidence or an admission by either party hereto 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 the consent of the parties hereto, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

I

This Court has jurisdiction of the subject matter of this action and of the parties hereto. The complaint states a claim upon which relief may be granted against defendant under Section 1 of the Act of Congress of July 2, 1890, as amended, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," (15 U.S.C., Sec. 1), commonly known as the Sherman Act.

II

As used in this Final Judgment:

(A) "Defendant" means Webster Electric Company, Inc., and each of its subsidiaries.

(B) "Webster equipment" means any or all commercial sound equipment produced or sold by defendant's Communications Division.

(C) "Person" means any individual, partnership, firm, association, corporation or other business or legal entity.

(D) "Distributor" means any person engaged, in whole or in part, in the purchase from the defendant of Webster equipment and in the sale thereof in the United States of America, including those persons heretofore designated by the defendant as "distributor" or "franchised distributor."

III

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

IV

The defendant is enjoined and restrained from, directly or indirectly:

(A) Entering into, adhering to, continuing, maintaining, renewing, enforcing or claiming any rights under any contract, agreement, understanding, plan or program with any distributor or any other person to limit, allocate, restrict, divide or assign the persons to whom or the markets or territories in which any distributor or other person may sell Webster equipment;

(B) Imposing or attempting to impose, by any means, any limitations or restrictions respecting the persons to whom or the markets or territories in which any distributor or other person may sell Webster equipment.

V

(A) Within 90 days from the date of entry of this Final Judgment, defendant shall take all necessary action to effect the cancellation of each provision of every contract between and among the defendant and its distributors which is contrary to or inconsistent with any provision of this Final Judgment.

(B) Within 90 days from the date of entry of this Final Judgment, defendant shall send to each of its distributors in the United States a copy of this Final Judgment and shall, at the same time, advise each such distributor in writing that it is free to sell Webster equipment at such prices, to such persons and in such areas as it may freely choose.

(C) Within 120 days from the date of entry of this Final Judgment, defendant shall file with this Court, and serve upon the plaintiff, an affidavit as to the fact and manner of compliance with Subsections (A) and (B) of this Section V.

VI

For the purpose of 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, upon reasonable notice to defendant made to its principal office, be permitted,

subject to any legally recognized privilege:

(A) Access during the office hours of defendant to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or control of defendant relating to any of the matters contained in this Final Judgment; and

(B) Subject to the reasonable convenience of defendant and without restraint or interference from it, to interview the officers and employees of defendant who may have counsel present, regarding any such matters.

For the purpose of securing compliance with this Final Judgment, defendant, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit written reports relating to any of the matters contained in this Final Judgment.

No information obtained by the means provided in this Section VI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the plaintiff 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 required by law.

VII

Jurisdiction is retained for the purpose of enabling either of the parties to this Final Judgment to apply to this Court at any time for such further orders and 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 the punishment
of violations thereof.

Dated: June 2 , 1971

/s/ ROBERT E. TEHAN
United States District Judge