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U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
LINDA SHARER  
DEPUTY

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,  
Plaintiff,

v.

LEN HARRIS WHOLESALE  
MEATS, INC.;  
BLUE RIBBON MEAT COMPANY;  
SIERRA MEAT & PROVISION  
COMPANY, INC.;  
SILVER STATE MEAT COMPANY;  
and  
CALVIN D. HEMPHILL, d/b/a  
PEERLESS MEAT COMPANY,

Defendants.

Civil Action No. R-2735

FINAL JUDGMENT

Filed: March 25, 1974

Entered: April 30, 1974

Plaintiff, United States of America, having filed its Complaint herein on September 12, 1972, and plaintiff and the defendants having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein, and without admission by any party with respect to any such issue, and without this Final Judgment constituting evidence or admission by any party with respect to any such issue;

NOW, THEREFORE, before the taking of any testimony and without adjudication of any issue of fact or law herein and upon the consent of the parties hereto, it is hereby

1 ORDERED, ADJUDGED and DECREED as follows:

2 I

3 This Court has jurisdiction of the subject matter of  
4 this action and of all parties hereto. The Complaint states  
5 a claim against the defendants upon which relief may be  
6 granted under Section 1 of the Act of Congress of July 2,  
7 1890, entitled "An Act to protect trade and commerce against  
8 unlawful restraints and monopolies," as amended (15 U.S.C.  
9 § 1), commonly known as the Sherman Act.

10 II

11 As used in this Final Judgment:

12 (A) "Person" means any individual, partnership, firm,  
13 corporation, association or other business or legal entity;

14 (B) "Meat" means meat and meat products of any type  
15 regardless of whether fresh, frozen or processed.

16 III

17 The provisions of this Final Judgment applicable to  
18 any defendant shall apply to such defendant, its  
19 subsidiaries, successors and assigns and to its officers,  
20 directors, agents, employees and attorneys, and to all  
21 other persons in active concert or participation with  
22 any of them who receive actual notice of this Final  
23 Judgment by personal service or otherwise.

24 IV

25 Each defendant is enjoined and restrained from directly  
26 or indirectly in any manner entering into, adhering to, or  
27 claiming or maintaining any right under any contract,  
28 agreement, arrangement, understanding, plan or program  
29 with any other person:  
30  
31

1 (A) To fix, raise, maintain or stabilize prices,  
2 discounts, markups or other terms or conditions relating to  
3 the sale of meat to any third person;

4 (B) To submit collusive or rigged bids or quotations  
5 for meat to any agency of any local, state, or federal  
6 government, or to any other person;

7 (C) To allocate or rotate customers, territories or  
8 meat business.

9 V

10 Each of the defendants is enjoined and restrained from:

11 (A) Communicating to or exchanging with any other  
12 person selling meat any information concerning prices,  
13 discounts, markups or other terms or conditions relating to  
14 the sale of meat that are contained in any bid or are to  
15 be contained in any bid to any third person prior to the  
16 opening of any such bid, or, in the absence of a bid  
17 opening, prior to the release by such third person of  
18 such information to the public;

19 (B) Communicating to or exchanging with any other  
20 person selling meat any information concerning any actual  
21 or proposed prices, discounts, markups or other terms or  
22 conditions at which meat is to be, or has been, sold to  
23 any third person, prior to the communication of such  
24 information to the public or to customers generally.

25 VI

26 Each defendant is ordered and directed to:

27 (A) Serve within sixty (60) days after the entry of  
28 this Final Judgment a conformed copy of this Final Judgment  
29 upon each of its respective officers, directors, managing  
30 agents and employees who have any responsibility for  
31 establishing prices or bids for the sale of meat by said  
32 defendant;

1 (B) Serve a conformed copy of this Final Judgment  
2 upon each successor officer, director, managing agent and  
3 employee having any responsibility for establishing prices  
4 or bids for the sale of meat by said defendant;

5 (C) Advise and inform each such officer, director,  
6 managing agent and employee upon whom this Final  
7 Judgment has been served as described in subparagraphs  
8 (A) and (B) above, that violation by him of the terms  
9 of this Final Judgment could result in a conviction for  
10 contempt of court and could subject him to imprisonment  
11 and/or fine;

12 (D) Within ninety (90) days after the entry of  
13 this Final Judgment, to file with this Court and to  
14 serve upon the plaintiff affidavits concerning the  
15 fact and manner of compliance with subsections (A)  
16 and (C) of this Section VI.

## 17 VII

18 For a period of ten (10) years from the date of  
19 entry of this Final Judgment, each defendant is  
20 ordered to file with the plaintiff, on each anniversary  
21 date of such entry, a report setting forth the steps  
22 which it has taken during the prior year to advise  
23 the defendant's appropriate officers, directors and  
24 employees of its and their obligations under this  
25 Final Judgment.

## 26 VIII

27 A. For the purpose of determining or securing  
28 compliance with this Final Judgment, duly authorized  
29 representatives of the Department of Justice shall,  
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1 upon the written request of the Attorney General, or  
2 the Assistant Attorney General in charge of the Antitrust  
3 Division, and upon reasonable notice to any defendant  
4 made to its principal office, be permitted, subject to  
5 any legally recognized privilege:

6 (a) Access, during office hours of each  
7 defendant, to all books, ledgers, accounts,  
8 correspondence, memoranda, and other records  
9 and documents in the possession of or under  
10 the control of said defendant relating to  
11 any of the matters contained in this Final  
12 Judgment; and

13 (b) Subject to the reasonable  
14 convenience of each defendant to interview  
15 the officers, directors, agents, and employees  
16 of said defendant, who may have counsel  
17 present, regarding any such matters.

18 B. Each defendant shall submit such reports in  
19 writing, under oath if so requested, to the Department  
20 of Justice with respect to any of the matters contained  
21 in this Final Judgment as from time to time may be requested.

22 C. No information obtained by the means provided in  
23 this Section VIII shall be divulged by any representative  
24 of the Department of Justice to any person other than a  
25 duly authorized representative of the Executive Branch of  
26 the plaintiff except in the course of legal proceedings to  
27 which the United States is a party for the purpose of  
28 securing compliance with this Final Judgment, or as  
29 otherwise required by law.  
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IX

Jurisdiction is retained for the purpose of enabling any 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 of any of the provisions thereof, for the enforcement of compliance therewith and for punishment of violations thereof.

DATED this 26th day of April, 1974.

ROGER D. FOLEY  
UNITED STATES DISTRICT JUDGE