

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF MISSOURI
SAINT JOSEPH DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Civil Action No. 1460
)
AMERICAN ANGUS ASSOCIATION,)
) **Entered: July 13, 1970**
Defendant.)

FINAL JUDGMENT

Plaintiff, UNITED STATES OF AMERICA, having filed its complaint herein on January 15, 1968, the defendant, AMERICAN ANGUS ASSOCIATION (hereinafter sometimes referred to as the "Association"), having filed its answer, and plaintiff and defendant, by their respective attorneys having each 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 of the parties in respect to any such issue;

NOW, THEREFORE, before any testimony has been taken and without trial or adjudication of or finding on any issue of fact or law herein, and upon consent of the parties as aforesaid, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

This Court has jurisdiction of the subject matter herein and of the parties hereto. The complaint alleges a claim for relief against the defendant under Section 1 of

the Act of Congress of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," commonly known as the Sherman Antitrust Act, as amended.

II

As used in this Final Judgment:

- (A) "Registered Angus" shall mean black Aberdeen Angus cattle for which a certificate of registration and a registration number have been issued by the defendant and for which ancestry and ownership information are recorded in the defendant's Herd Book;
- (B) "Angus Sire" shall mean a Registered Angus bull which has met the qualifications set forth in defendant's Rule 5a in Exhibit A attached to this Final Judgment and made a part hereof;
- (C) "Qualified Angus Sire" shall mean a Registered Angus bull which has met the qualifications set forth in defendant's Rule 5b in Exhibit A attached to this Final Judgment and made a part hereof;
- (D) "Defendant members" and "members of defendant" shall mean active life members and junior members of the defendant Association.
- (E) "Out of Herd Breeding" shall mean the breeding by artificial insemination of a cow by a member of defendant who is the owner of record of the cow and who is not, at the time of conception, also the owner of record of the sire.

III

The provisions of this Final Judgment shall be binding upon defendant and upon each of its officers, directors, agents, members, employees, successors and assigns, and upon all persons in active concert or participation with the defendant who receive actual notice of this Final Judgment by personal service or otherwise. None of the provisions of this Final Judgment shall apply outside the United States of America, its territories and possessions.

IV

Defendant is enjoined and restrained from prohibiting, limiting or restricting in any way, the sale, transfer, use or other disposition of Angus semen, provided, however, that defendant shall not be required to register Angus calves conceived by artificial insemination unless such calves have satisfied the then existing rules, regulations, and By-Laws of the defendant, including rules and regulations enacted from time to time, so long as such rules and regulations are not inconsistent with subparagraphs V(A)(1) and (2) of this Final Judgment.

V

- (A) Defendant is ordered and directed, within ninety (90) days from date of entry of this Final Judgment, to amend and thereafter enforce and abide by those rules governing the registration of calves conceived by artificial insemination to permit:

- (1) the registration of not less than 45 otherwise eligible calves conceived as a result of Out of Herd Breeding from the semen of any one Angus Sire during each calendar year and within a period of not less than 365 days after the death of each such sire; provided, however, that not more than 10 calves conceived as a result of Out of Herd Breeding from semen from Angus sires need be accepted for registration from any one member during any one calendar year; and
- (2) the registration of an unlimited number of otherwise eligible calves conceived as a result of Out of Herd Breeding from the semen of each Qualified Angus Sire during each calendar year and within a period of not less than 365 days after the death of each such sire; provided, however, that not more than 150 calves conceived as a result of Out of Herd Breeding from semen from any one Qualified Angus Sire need be accepted for registration from any one member during any one calendar year.

(B) The terms of subsection (A) of this Section V shall not prohibit defendant from adopting reasonable rules, regulations and By-laws

necessary to preserve the purity of the Angus Breed and to insure the recording of accurate pedigrees of Angus cattle conceived artificially.

VI

Defendant is ordered and directed, within ninety (90) days from the entry of this Final Judgment, to notify defendant's members of this Final Judgment by printing this Final Judgment in or attaching it to the Angus Bulletin.

VII

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 said 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 such written reports relating to any of the matters contained in this Final Judgment as may from time to time be requested. No information obtained by the means provided in this Section 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.

VIII

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, or the modification or termination of any of the provisions thereof or for the enforcement of compliance therewith, and for the punishment of violations of any of the provisions contained herein.

IX

This Final Judgment shall, without further proceedings or judicial orders, expire eight (8) years after the entry hereof.

Dated: July 13, 1970

/s/ ELMO B. HUNTER
United States District Judge

EXHIBIT A

RULE 5--QUALIFICATIONS OF BULL FOR OUT OF HERD A.I. SERVICE

- a. A maximum of 45 A.I. Service Certificates may be obtained from the Association during any given calendar year (January 1 through December 31) on any one registered bull that has been blood typed and for which a copy of the blood type report is filed with the Association.
- b. An unlimited number of A.I. Service Certificates may be obtained from the Association during any given calendar year (January 1 through December 31), on a registered bull that is at least 48 months of age and has been blood typed and for which a copy of the blood type report is filed with the Association, and further provided that the bull meets the following additional requirements and qualifications:
 1. The owner of record or an individual co-owner of record of the bull must have processed not less than two calf crops under the Production Measure Program of the Association.
 2. The bull shall have successfully completed a progeny test for harmful and undesirable genetic traits under supervision of the Association.

Successful Test Defined:

Mating the bull to 35 of his own daughters with the resulting offspring being free from harmful and undesirable genetic

traits. The Association may require positive identification of the animals including but not limited to blood typing and tatoos.

3. Said bull will have been classified by an official Association classifier.
4. Production Measure and Classification information on any bull for which A.I. Service Certifications have been issued will be made available to any member of the Association upon request for a reasonable fee.