

IN THE UNITED DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**FILED**  
APR 21 2008  
MICHAEL W. BRUNER  
CLERK, U.S. DISTRICT COURT

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civ. No. 58-C-1158</b>
	)	
<b>TRUE TEMPER CORPORATION,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**STIPULATION**

It is stipulated by and between the undersigned parties, by their respective attorneys,  
that:

1. True Temper Sports, Inc. ("True Temper"), successor in interest to defendant True Temper Corporation, will file a motion requesting that the Court terminate the Final Judgment entered by this Court on August 20, 1959 ("1959 Final Judgment") in the above-captioned matter. The United States tentatively has agreed to termination of the 1959 Final Judgment.

2. True Temper shall publish at its own expense a notice of the proposed termination, in the form attached hereto as Exhibit A, in (a) two consecutive issues of *The Wall Street Journal* and (2) two consecutive issues of *Golf World*. An Order, in the form attached hereto as Exhibit B, directing such publication, may be filed and entered by the Court forthwith, without any further notice to any party or any other proceedings.

3. The United States will publish in the *Federal Register* a notice, in the form attached hereto as Exhibit C, announcing the motion to terminate the 1959 Final Judgment and

the United States' tentative consent to the motion, summarizing the Complaint and the 1959 Final Judgment, describing the procedures for inspection and obtaining copies of relevant papers, and inviting the submission of comments.

4. A period for public comment shall end sixty days after the last publication of the notices required by this Stipulation. Within a reasonable time after the conclusion of the sixty-day public comment period, the United States will file with the Court copies of all comments that it receives and its response to those comments.

5. An Order, a proposed form of which is attached hereto as Exhibit D, terminating the 1959 Final Judgment, may be filed and entered by the Court upon the request of any party, or by the Court *sua sponte*, at any time after the United States has filed with the Court any comments that it receives and any responses thereto and without further notice to any party or any other proceedings, provided that the United States has not withdrawn its tentative consent. The United States may withdraw its tentative consent at any time before the entry of an Order terminating the 1959 Final Judgment by filing a notice of withdrawal of its consent with the Court and serving a copy of said notice upon all other parties.

6. In the event the United States withdraws its consent, or if the proposed Order terminating the 1959 Final Judgment is not entered pursuant to this Stipulation, then this Stipulation shall be of no effect whatsoever; the making of this Stipulation shall be without prejudice to any party in this or any other proceeding; and the Stipulation shall not thereafter be used in this or any other action or for any other purpose.

Dated: April 15, 2008

FOR PLAINTIFF  
UNITED STATES OF AMERICA




THOMAS O. BARNETT  
Assistant Attorney General



ROSEMARY SIMOTA THOMPSON  
Attorney for the United States  
United States Department of Justice  
Antitrust Division  
209 South LaSalle Street, Suite 600  
Chicago, Illinois 60604  
(312) 353-7530  
(312) 353-1046 (facsimile)



DAVID L. MEYER  
Deputy Assistant Attorney General



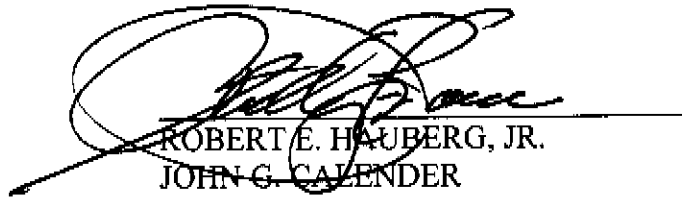
PATRICIA A. BRINK  
Deputy Director of Operations



MARVIN N. PRICE, JR.  
Chief, Chicago Field Office  
FRANK J. VONDRAK  
Assistant Chief, Chicago Field Office

Dated: April 8, 2008

FOR TRUE TEMPER SPORTS, INC.

A large, stylized handwritten signature in black ink, appearing to read "Phillip C. Zane", is written over a horizontal line. The signature is highly cursive and loops around itself.

ROBERT E. HAUBERG, JR.

JOHN G. CALENDER

PHILLIP C. ZANE, Illinois Bar No. 6208254

Baker, Donelson, Bearman, Caldwell &  
Berkowitz, P.C.

555 Eleventh Street, N.W., Sixth Floor  
Washington, DC 20004

(202) 508-3400 – Phone

(202) 508-3402 – Fax

List of Exhibits

- Exhibit A Notice of Proposed Termination Of The 1959 And 1961 Final Judgments
- Exhibit B Order Establishing Notice And Public Comment Procedures For Motion To Terminate 1959 Final Judgment
- Exhibit C Federal Register Notice
- Exhibit D Order Terminating 1959 Final Judgment

# **Exhibit A**

IN THE UNITED DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	Docket Numbers:
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 58-C-1158
	)	
TRUE TEMPER CORPORATION,	)	
	)	
Defendant.	)	
_____	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 58-C-1159
	)	
TRUE TEMPER CORPORATION;	)	
WILSON ATHLETIC GOODS MFG. CO.,	)	
INC.; A.G. SPALDING & BROS., INC.;	)	
MACGREGOR SPORT PRODUCTS, INC.	)	
AND HILLERICH & BRADSBY CO.,	)	
	)	
Defendants.	)	
_____	)	

NOTICE OF PROPOSED TERMINATION OF  
THE 1959 AND 1961 FINAL JUDGMENTS

PLEASE TAKE NOTICE that a motion has been filed asking this Court to enter an order terminating the Final Judgment entered in *United States v. True Temper Corp.*, Civil No. 58-C-1158, 1959 Trade Cas. (CCH) ¶ 69,441 (N.D. Ill. 1959) on August 20, 1959 ("1959 Final Judgment") and the Final Judgment entered in *United States v. True Temper Corp.*, Civil No. 58-C-1159, 1961 Trade Cas. (CCH) ¶ 70,090 (N.D. Ill. 1961) on August 1, 1961 ("1961 Final Judgment").

**The United States has filed with the Court a responsive memorandum setting forth the reasons it believes that termination of the 1959 Final Judgment and the 1961 Final Judgment would serve the public interest. Copies of the motion to terminate, the stipulation containing the United States' tentative consent, the United States' memorandum, and all further papers filed with the Court in connection with the termination motion will be available for inspection at the Antitrust Documents Group, Antitrust Division, 325 Seventh Street, N.W., Room 215, Washington, DC 20004, on the website at <http://www.usdoj.gov/atr>, and at the Office of the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.**

**Interested persons may submit comments regarding the proposed termination of the 1959 Final Judgment and the 1961 Final Judgment to the United States. Such comments must be received by the Antitrust Division within sixty (60) days and will be filed with the Court by the United States. Comments should be addressed to Marvin N. Price, Jr., Chief, Chicago Field Office, Antitrust Division, 209 South LaSalle Street, Suite 600, Chicago, Illinois, 60604.**



# **Exhibit B**

**IN THE UNITED DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<p><b>UNITED STATES OF AMERICA,</b></p> <p style="text-align: center;"><b>Plaintiff,</b></p> <p style="text-align: center;">v.</p> <p><b>TRUE TEMPER CORPORATION,</b></p> <p style="text-align: center;"><b>Defendant.</b></p> <hr style="width: 40%; margin-left: 0;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>Civ. No. 58-C-1158</b></p>
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**ORDER ESTABLISHING NOTICE AND PUBLIC COMMENT PROCEDURES  
FOR MOTION TO TERMINATE 1959 FINAL JUDGMENT**

True Temper Sports, Inc. ("True Temper"), successor in interest to defendant True Temper Corporation, having moved for an Order terminating the Final Judgment entered by this Court on August 20, 1959 ("1959 Final Judgment") in the above-captioned matter, and plaintiff United States, having tentatively consented to the motion, and the United States having proposed, and defendant True Temper having agreed, that notice of the motion and the United States' tentative consent to it be published at the expense of defendant True Temper, and that all interested persons be given an opportunity to submit comments concerning the proposed termination of the 1959 Final Judgment, and it appearing to the Court desirable to invite such comments, and in consideration of the Stipulation of the parties dated February \_\_\_\_, 2008, it is

ORDERED that defendant True Temper shall publish at its own expense a notice in the form attached hereto as Exhibit A in (a) two consecutive issues of *The Wall Street Journal* and (b) two consecutive publications of *Golf World*, and file proof of such publications with the Court; and it is

FURTHER ORDERED, that copies of all comments received by the United States within sixty (60) days after the last publication of the notices required by this Order shall be filed with this Court by Plaintiff promptly after it receives such comments; and it is

FURTHER ORDERED, that this Court will not rule upon defendant True Temper's motion until at least seventy (70) days after the last publication of the notices required by this Order and the publication by the United States of a notice in the *Federal Register* announcing these proceedings.

DONE, this \_\_\_\_ day of \_\_\_\_\_, 2008.

---

United States District Judge

Copies To:

Rosemary Simota Thompson  
Attorney for the United States  
United States Department of Justice  
Antitrust Division  
209 South LaSalle Street, Suite 600  
Chicago, Illinois 60604  
(312) 353-7530  
(312) 353-1046 (facsimile)

Robert E. Hauberg, Jr.  
John G. Calender  
Baker, Donelson, Bearman, Caldwell &  
Berkowitz, P.C.  
555 Eleventh Street, N.W., Sixth Floor  
Washington, DC 20004  
(202) 508-3474  
(202) 220-2274 (facsimile)

# **Exhibit C**

**FEDERAL REGISTER NOTICE**

United States Department of Justice  
Antitrust Division

Proposed Termination of Final Decrees

Notice is hereby given that True Temper Sports, Inc. ("True Temper"), successor in interest to defendant True Temper Corporation, has filed a motion to terminate the Final Judgment entered in *United States v. True Temper Corporation*, Civil No. 58-C-1158, 1959 Trade Cas. (CCH) & 69,441 (N.D. Ill. 1959), on August 20, 1959 ("1959 Final Judgment") and the Final Judgment entered in *United States v. True Temper Corporation, et al.*, Civil No. 58-C-1159, 1961 Trade Cas. (CCH) & 70,090 (N.D. Ill. 1961), on August 1, 1961 ("1961 Final Judgment"). Notice is also hereby given that the Antitrust Division of the United States Department of Justice ("the Department"), in a stipulation also filed with the Court, tentatively has consented to termination of the 1959 Final Judgment and the 1961 Final Judgment, but has reserved the right to withdraw its consent pending receipt of public comments.

On June 30, 1958 the United States filed a complaint against sole defendant True Temper alleging that True Temper and several co-conspirators conspired to restrain and monopolize the manufacture and sale of steel golf club shafts. Prior to trial True Temper settled the charges by accepting entry of the 1959 Final Judgment on August 20, 1959.

Also on June 30, 1958 the United States filed a complaint against True Temper and four golf club manufacturers alleging that they conspired to restrain and monopolize markets for golf clubs and steel shafts. Prior to trial the defendants settled the charges by accepting entry of the 1961 Final Judgment on August 1, 1961.

The Department has filed with the Court a memorandum setting forth the reasons why the

United States believes that the termination of the 1959 Final Judgment and the 1961 Final Judgment would serve the public interest. Copies of the motion to terminate, the stipulation containing the United States' tentative consent, the United States' memorandum, and all further papers filed with the Court in connection with the motion to terminate will be available for inspection at the Antitrust Documents Group, Antitrust Division, Room 215, 325 Seventh Street, N.W., Washington, DC 20004, on the website at <http://www.usdoj.gov/atr>, and at the Office of the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the 1959 Final Judgment and the 1961 Final Judgment to the United States. Such comments must be received by the Antitrust Division within sixty (60) days and will be filed with the Court by the United States. Comments should be addressed to Marvin N. Price, Chief, Chicago Field Office, Antitrust Division, U.S. Department of Justice, 209 South LaSalle Street, Chicago, Illinois, 312/353-7530.

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PATRICIA A. BRINK  
Deputy Director of Operations

# **Exhibit D**

IN THE UNITED DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 58-C-1158
	)	
TRUE TEMPER CORPORATION,	)	
	)	
Defendant.	)	
_____	)	

**ORDER TERMINATING 1959 FINAL JUDGMENT**

The Court having received the motion of True Temper Sports, Inc. ("True Temper"), successor in interest to defendant True Temper Corporation, for termination of the Final Judgment entered on August 20, 1959, in the above-captioned matter ("1959 Final Judgment"), and the United States having represented to the Court that it has no objection to the motion, and notice of the motion having been published in the *Federal Register*, *The Wall Street Journal*, and *Golf World*, and all interested parties having been given an opportunity to submit comments concerning the proposed termination of the 1959 Final Judgment, and the Court having considered all papers and comments filed in connection with this motion, and and the Court finding that it is in the public interest to terminate the 1959 Final Judgment, it is

**ORDERED, ADJUDGED, AND DECREED:**

That said 1959 Final Judgment is hereby terminated.

Dated: \_\_\_\_\_

\_\_\_\_\_  
United States District Judge



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that true and accurate copies of the signed Stipulation in Civ. No. 58-C-1158; Stipulation in Civ. No. 58-C-1159 and Exhibits A-D and the Memorandum of the United States in Response to the Motion to Terminate the 1959 Final Judgment and the 1961 Final Judgment were served upon counsel for each defendant listed below by Federal Express this 21st day of April 2008.

**For Defendant True Temper Sports, Inc.**

Robert E. Hauberg, Jr.  
John G. Calender  
Phillip C. Zane, Illinois Bar No. 6208254  
Baker Donelson, Bearman, Caldwell & Berkowitz, P.C.  
555 Eleventh Street, N.W., Sixth Floor  
Washington, D.C. 20004

**For Defendant Wilson Athletic Good Mfg. Co., Inc.**

Ray Berens, Esq.  
Andre Pabarue, Esq.  
Amer Sports North America  
8750 W. Bryn Mawr Ave.  
Chicago, IL 60631

**For Defendant Russell Corp.**

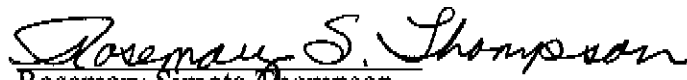
(Owner of certain marks once owned by A.G. Spalding & Bros., Inc.)  
Clay Humphries, Esq.  
Russell Corp.  
755 Lee Street  
Alexander City, AL 35010

**For Defendant MacGregor Sport Products, Inc.**

Michael Robbins  
COO, MacGregor Golf  
MacGregor Sport Products, Inc.  
1000 Pecan Grove Dr.  
Albany, GA 31710

**For Defendant Hillerich & Bradsby Co.**

Steven H. Lyverse, Esq.  
Hillerich & Bradsby Co., Inc.  
800 West Main St.  
Louisville, KY 40232-5700

  
Rosemary Simota Thompson  
Attorney  
U.S. Department of Justice  
Antitrust Division