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2 Antitrust Division
3 United States Department of Justice
4 3101 Federal Building
5 300 North Los Angeles Street
6 Los Angeles, California 90012
7 Telephone: (213) 688-2507

8 Attorney for Plaintiff
9 United States of America

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,)

13 Plaintiff,)

14 v.)

15 ESSEX GROUP, INC.;)
16 CONTINENTAL COPPER & STEEL)
17 INDUSTRIES, INC.;)
18 AMERICAN INSULATED WIRE CORP.;)
19 CYPRUS MINES CORP.;)
20 SOUTHWIRE COMPANY, INC.; and)
21 TRIANGLE PWC, INC.,)

22 Defendants.)

Civil Action No. 78-3659-ALS

Filed: January 16, 1980

Entered: March 28, 1980

STIPULATION

23 IT IS HEREBY STIPULATED by and between the undersigned
24 parties, by their respective attorneys, that:

25 1. The parties consent that a Final Judgment in the form
26 hereto attached may be filed and entered by the Court, upon the
27 motion of any party or upon the Court's own motion, at any time after
28 compliance with the requirements of the Antitrust Procedures and
Penalties Act (15 U.S.C. § 16) and without further notice to any
party or other proceedings, provided that plaintiff has not withdrawn

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1 its consent, which it may do at any time before the entry of the
2 proposed Final Judgment by serving notice with the Court.

3 2. In the event plaintiff withdraws its consent or if the
4 proposed Final Judgment is not entered pursuant to this Stipulation,
5 this Stipulation shall be of no effect whatever and the making of
6 this Stipulation shall be without prejudice to plaintiff or the
7 defendants in this or any other proceeding.

8 DATED:

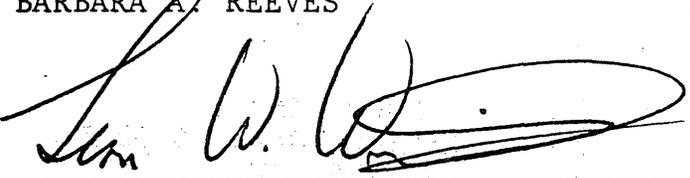
9
10 FOR THE PLAINTIFF:

11 
12 _____
13 JOHN H. SHENEFIELD
14 ASSISTANT ATTORNEY GENERAL

/s/ Barbara A. Reeves

BARBARA A. REEVES

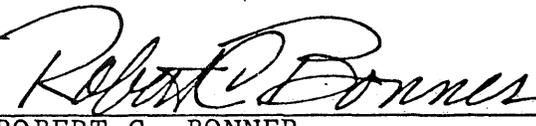
15 
16 _____
17 JOSEPH H. WIDMAR

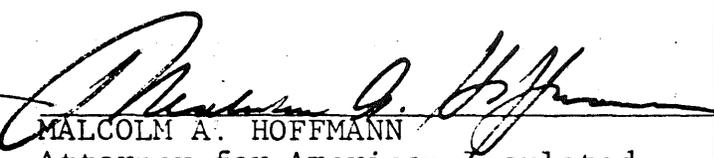


LEON W. WEIDMAN

Attorneys, Antitrust Division
U.S. Department of Justice

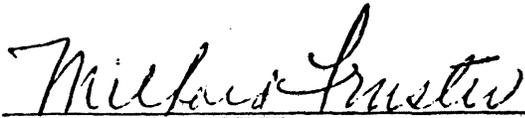
18 FOR THE DEFENDANTS:

19
20 KADISON, PFAELZER, WOODARD,
21 QUINN & ROSSI
22 
23 _____
24 ROBERT C. BONNER
25 Attorneys for Essex Group, Inc.

LAW OFFICES OF MALCOLM A. HOFFMANN
26 
27 _____
28 MALCOLM A. HOFFMANN
Attorney for American Insulated
Wire Corp.

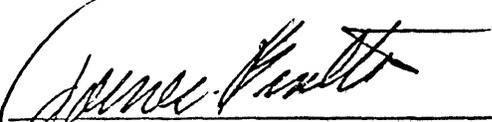
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1 HALL, DICKLER, LAWLER, KENT
2 & HOWLEY

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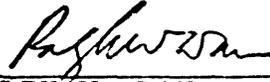
4 MILFORD FENSTER
5 Attorneys for Continental
6 Copper & Steel Industries, Inc.

7 GAMBRELL, RUSSELL & FORBES

8 

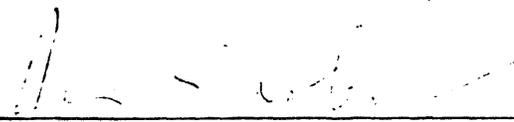
9 JAMES BRATTON
10 Attorneys for Southwire
11 Company, Inc.

O'MELVENY & MYERS



RALPH W. DAU
Attorneys for Cyprus Mines Corp.

KOHN, MILSTEIN & COHEN



JERRY S. COHEN
Attorneys for Triangle PWC, Inc.

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21 TRIANGLE PWC, INC.,)

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FINAL JUDGMENT

23 Plaintiff, United States of America, having filed its Amended
24 Complaint on October 25, 1978, and the defendants, Essex Group, Inc.;
25 Continental Copper & Steel Industries, Inc.; American Insulated Wire
26 Corp.; Cyprus Mines Corp.; Southwire Company, Inc.; and Triangle PWC,
27 Inc., having appeared through their respective attorneys and filed
28 their answers denying the material allegations of the complaint; and
the plaintiff and defendants, by their respective attorneys,
having consented to the entry of this Final Judgment, before the
taking of any testimony herein, without trial or adjudication of

1 any issue of fact or law herein, without any admission by any party
2 with respect to any issue of fact or law herein, and without this
3 Final Judgment constituting any evidence against or admission by
4 any party with respect to any issue of fact or law herein;

5 NOW, THEREFORE, before any testimony or evidence has been
6 taken herein, and without trial or adjudication of any issue of fact
7 or law herein, and upon the consent of the parties hereto,

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

9 I

10 This Court has jurisdiction of the subject matter hereof
11 and of the parties hereto. The Complaint states a claim against the
12 defendants upon which relief may be granted under Section 1 of the
13 Sherman Act, 15 U.S.C. § 1.

14 II

15 As used in this Final Judgment:

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

18 (B) "Copper building wire" means copper wire and cable
19 used for the transmission of electrical current in residential,
20 commercial or industrial structures and commonly known in the trade
21 as "copper building wire" or "construction wire" (including service
22 entrance cable), utilizing 600 volts or less.

23 III

24 The provisions of this Final Judgment are applicable to
25 each defendant and to each of its officers, directors, agents,
26 employees, subsidiaries, successors and assigns, and to all other
27 persons in active concert or participation with any of them who

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1 shall have received actual notice of this Final Judgment by
2 personal service or otherwise.

3 IV

4 Each defendant is enjoined and restrained from entering
5 into, adhering to, maintaining or furthering any contract, agree-
6 ment, understanding, plan or program with any other copper building
7 wire manufacturer to exchange or communicate information concerning
8 prices, price differentials, bids, discounts or other terms or
9 conditions relating to the price of copper building wire.

10 V

11 Each defendant is further enjoined and restrained from
12 exchanging with, communicating to or requesting from any other
13 copper building wire manufacturer, any information or intention
14 concerning present or prospective prices, price differentials,
15 bids, discounts, or other terms or conditions relating to the price
16 of copper building wire.

17 VI

18 Nothing contained in this Final Judgment shall:

19 (A) apply to any negotiation or necessary communication
20 between a defendant and any other defendant or between a defendant
21 and any other person when such parties are engaged in a contemplated
22 or actual bona fide purchase or sale of copper building wire;

23 (B) prohibit a defendant from communicating written
24 copper building wire price information to any other copper building
25 wire manufacturer after the effective date of such written copper
26 building wire price information which has been released and circu-
27 lated to a defendant's customers generally; provided that such
28 communication is made without comment, markings, or explanation

1 and without reference to a particular geographic region; unless
2 such communication shall have the purpose or effect of stabilizing
3 prices or otherwise restraining competition;

4 (C) apply to transactions or communications between
5 a defendant and a parent or subsidiary of, or other person under
6 common control with, such defendant, or between officers, directors,
7 agents or employees thereof.

8 VII

9 Each defendant is ordered and directed:

10 (A) to furnish within sixty (60) days after entry of
11 this Final Judgment a copy thereof to each of its officers and
12 directors who has management responsibility for the manufacture
13 or sale of copper building wire, and to each of its managing
14 agents and employees having responsibility for or authority over
15 the establishment of the prices of copper building wire;

16 (B) to furnish a copy of this Final Judgment to each
17 person who becomes an officer, director, managing agent or
18 employee described in Subparagraph (A) of this Paragraph, within
19 sixty (60) days after such person is employed by or becomes
20 associated with such defendant;

21 (C) to take additional affirmative steps to advise
22 each of its officers, directors, managing agents and employees
23 described in Subparagraph (A) of this Paragraph of its and their
24 obligations under this Final Judgment and of the criminal penalties
25 for violation of Paragraphs IV and V of this Final Judgment,
26 including preparation or distribution of written directives
27 setting forth corporate compliance policies, distribution of copies

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1 of the Final Judgment, and meetings to review its terms and the
2 obligations it imposes;

3 (D) to file with the Court and serve upon the plaintiff,
4 within ninety (90) days from the date of entry of this Final
5 Judgment, an affidavit as to the fact and manner of its compliance
6 with Subparagraph (A) of this Paragraph; and

7 (E) to obtain, from each person described in Subparagraph
8 (A) or (B) of this Paragraph, a written statement evidencing such
9 person's receipt of a copy of this Final Judgment, and to retain
10 such statements in its files.

11 VIII

12 For the purpose of determining or securing compliance
13 with this Final Judgment:

14 (A) any duly authorized representative of the Department
15 of Justice shall, on written request of the Attorney General or
16 the Assistant Attorney General in charge of the Antitrust Division,
17 and on reasonable notice to any defendant manufacturer made to
18 its principal office, be permitted, subject to any legally recog-
19 nized privilege:

20 (1) access during the office hours of the
21 defendant to inspect and copy all books, ledgers,
22 accounts, correspondence, memoranda, and other records
23 and documents in the possession or under the control of
24 the defendant who may have counsel present, relating to
25 any matters contained in the Final Judgment;

26 (2) subject to the reasonable convenience of
27 the defendant and without restraint or interference
28 from it, to interview officers, directors, agents,

1 partners or employees of the defendant, who may
2 have counsel present, regarding any such matter;
3 and

4 (B) any defendant, upon the written request of the
5 Attorney General or the Assistant Attorney General in charge
6 of the Antitrust Division, shall submit such reports in writing,
7 under oath if requested, with respect to any of the matters contained
8 in this Final Judgment as may from time to time be requested.

9 No information obtained by the means provided in this
10 Paragraph VIII shall be divulged by any representative of the
11 Department of Justice to any person other than a duly authorized
12 representative of the Executive Branch of the United States,
13 except in the course of legal proceedings to which the United
14 States is a party, or for the purpose of securing compliance with
15 this Final Judgment, or as otherwise required by law.

16 If, at any time, information or documents are furnished
17 by a defendant to plaintiff, and such defendant represents and
18 identifies in writing the material in any such information or docu-
19 ments which is of a type described in Rule 26(c)(7) of the Federal
20 Rules of Civil Procedure and marks each pertinent document "Subject
21 to claim of protection under the Federal Rules of Civil Procedure",
22 then 10 days notice shall be given by plaintiff to the defendant
23 prior to divulging such material in any legal proceeding (other
24 than a Grand Jury proceeding) to which the defendant is not a
25 party.

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IX

Each defendant shall require, as a condition of the sale or disposition of all, or substantially all, of the assets used by it in the manufacture and sale of copper building wire, that the acquiring party agree to be bound by the provisions of this Final Judgment, and that such agreement be filed with the Court.

X

Jurisdiction is retained by this Court 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 for the modification of any of the provisions herein and for the enforcement of compliance herewith and the punishment of the violation of any of the provisions contained herein.

XI

This Final Judgment shall terminate and cease to be effective 10 years from the date it is entered.

XII

Entry of this Final Judgment is in the public interest.

DATED: March 28, 1980

/s/ Albert Lee Stephens, Jr.
UNITED STATES DISTRICT JUDGE