

1 GARY R. SPRATLING
2 JOHN F. YOUNG
3 U.S. Department of Justice
4 450 Golden Gate Avenue
5 Room 16432 - Box 36046
6 San Francisco, California 94102
7 Telephone: 415-556-6300

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF IDAHO

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 MORRISON-KNUDSEN COMPANY, INC.;
15 MONROC, INC.;
16 IDAHO CONCRETE PIPE COMPANY, INC.;
17 CONSOLIDATED CONCRETE COMPANY, INC.;
18 G & B READY MIX, a partnership;
19 CLEMENTS CONCRETE COMPANY; and
20 A-A REDI-MIX, INC.,
21 Defendants.

Civil No. 1-75-177

filed: NOV 19 1976

Entered: March 15, 1977

22 STIPULATION

23 It is stipulated by and between the undersigned parties,
24 plaintiff United States of America, and defendants Morrison-
25 Knudsen Company, Inc., Monroc, Inc., Idaho Concrete Pipe
26 Company, Inc., Consolidated Concrete Company, Inc., G & B
27 Ready Mix, Clements Concrete Company, and A-A Redi-Mix, Inc.,
28 by their respective attorneys, that:

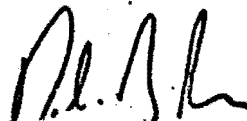
29 1. The parties consent that a final judgment in the
30 form hereto attached may be filed and entered by the Court,
31 upon the motion of any party or upon the Court's own motion,
32 at any time after compliance with the requirements of the
Antitrust Procedures and Penalties Act [15 U.S.C. §16] and

1 without further notice to any party or other proceedings,
2 provided that plaintiff has not withdrawn its consent, which
3 it may do at any time before the entry of the proposed final
4 judgment by serving notice thereof on defendants and by
5 filing that notice with the Court.

6 2. In the event plaintiff withdraws its consent or if
7 the proposed final judgment is not entered pursuant to this
8 Stipulation, this Stipulation shall be of no effect whatever
9 and the making of this Stipulation shall be without prejudice
10 to plaintiff or defendants in this or any other proceeding.

11 Dated: NOV 19 1976

13 FOR THE PLAINTIFF :

14 
15 _____
16 DONALD I. BAKER
17 Assistant Attorney General

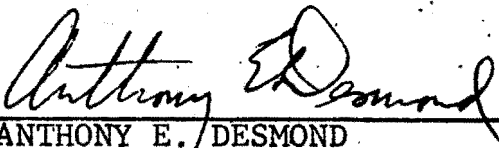
15 /s/ GARY R. SPRATLING
16 _____
17 GARY R. SPRATLING

18 
19 _____
20 WILLIAM E. SWOPE

18 /s/ JOHN F. YOUNG
19 _____
20 JOHN F. YOUNG

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21 _____
22 CHARLES F.B. MCALEER

20 
21 _____
22 JOHN L. WILSON

22 
23 _____
24 ANTHONY E. DESMOND

22 Attorneys, Department of Justice

26 FOR THE DEFENDANTS:

28 HAWLEY, TROXELL, ENNIS & HAWLEY
29 Boise, Idaho

30 By /s/ JOSEPH D. McCOLLUN, JR.
31 _____
32 Attorneys for Morrison-Knudsen
Company, Inc.

1 LANGROISE, SULLIVAN & SMYLIE
2 Boise, Idaho

3 By /s/ ROBERT E. SMYLIE
4 Attorneys for Monroc, Inc.

5
6 WEBB, JOHNSON, REDFORD & GREENER
7 Boise, Idaho

8 By /s/ RICHARD H. GREENER
9 Attorneys for Idaho Concrete
10 Pipe Co., Inc.

11 ANDERSON, KAUFMEN, ANDERSON & RINGERT
12 Boise, Idaho

13 By /s/ SAMUEL KAUFMAN
14 Attorneys for Consolidated Concrete
15 Company, Inc.

16 SCHILLER, WILLIAMS & TRABERT
17 Nampa, Idaho

18 By /s/ EDWIN G. SCHILLER
19 Attorneys for G & B Ready Mix

20 COUGHLAN, IMHOFF & LYNCH
21 Boise, Idaho

22 By /s/ GLENN A. COUGHLAN
23 Attorneys for Clements Concrete
24 Company

25 MILLER, WESTON & TUNNICLIFF
26 Boise, Idaho

27 By /s/ DEAN MILLER
28 Attorneys for A-A Redi-Mix, Inc.
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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF IDAHO
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11 UNITED STATES OF AMERICA,

12 Plaintiff,

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14 MORRISON-KNUDSEN COMPANY, INC.;
15 MONROC, INC.;
16 IDAHO CONCRETE PIPE COMPANY,
17 INC.; CONSOLIDATED CONCRETE
18 COMPANY, INC.; G & B READY MIX,
19 a partnership; CLEMENTS
20 CONCRETE COMPANY; and
21 A-A REDI-MIX, INC.,

22 Defendants.

Civil No. 1-75-177

filed: NOV 19 1976

FINAL JUDGMENT

Entered: March 15, 1977

23 Plaintiff, United States of America, having filed
24 its Complaint herein on October 16, 1975, and plaintiff
25 and defendants by their respective attorneys having each
26 consented to the entry of this Final Judgment without
27 trial or adjudication of or finding on any issues of fact
28 or law herein, and without this Final Judgment constituting
29 evidence or admission by plaintiff or defendants, or any
30 of them, in respect to any such issue;

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

1 ORDERED, ADJUDGED and DECREED as follows:

2 I

3 This Court has jurisdiction of the subject matter
4 hereof and of the parties hereto. The Complaint states
5 a claim upon which relief may be granted against the
6 defendants under Section 1 of the Act of Congress of
7 July 2, 1890, commonly known as the Sherman Act, as amended
8 (15 U.S.C. §1).

9 II

10 As used in this Final Judgment:

- 11 (A) "Person" shall mean any individual, corporation,
12 partnership, firm, association or other business
13 or legal entity;
- 14 (B) "Ready-mix concrete" means a building material
15 consisting of a mixture of cement, mineral aggregate
16 (gravel and sand), water and other ingredients mixed
17 in varying proportions and sold to customers in a
18 plastic and unhardened state;
- 19 (C) "Boise Valley market" refers to that section of the
20 southwestern part of the State of Idaho, which
21 encompasses the cities of Boise, Caldwell, Nampa,
22 and the area surrounding such cities served by
23 defendants from their plants located in or near
24 said cities.

25 III

26 The provisions of this Final Judgment are applicable
27 to each defendant herein and shall apply also to each of
28 such defendant's officers, directors, partners, agents,
29 employees, subsidiaries, successors and assigns, and to
30 all other persons in active concert or participation with
31 any of them, who shall have received actual notice of this
32 Final Judgment by personal service or otherwise.

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IV

Each defendant is enjoined and restrained from entering into, adhering to, maintaining, furthering, enforcing or claiming any right under any contract, agreement, understanding, plan or program with any other person directly or indirectly to:

- (A) Fix, determine, establish, maintain, raise, stabilize, or adhere to prices, discounts or other terms or conditions for the sale of ready-mix concrete to any third person;
- (B) Submit collusive, rigged or noncompetitive bids or quotations for the sale of ready-mix concrete;
- (C) Fix, determine, establish, maintain, raise, stabilize, or adhere to any charge for the delivery of ready-mix concrete;
- (D) Communicate to or exchange with any other person selling ready-mix concrete any information concerning any actual or proposed price, price change, discount, delivery charge, or other term or condition of sale at which ready-mix concrete is to be, or has been, sold to any third person, prior to the communication of such information to the public generally.

V

- (A) Each defendant shall independently and individually review and recompute its current prices, discounts, delivery charges and all other terms and conditions for the sale of ready-mix concrete in the Boise Valley market.
- (B) Each defendant shall reduce to writing the results of the independent review and recomputation required by Paragraph (A) of this Section. This written

1 review shall include but not be limited to:

- 2 (1) a full explanation of the methodology employed
3 by the defendant in reviewing and recomputing
4 its prices, discounts, delivery charges and
5 other terms and conditions of sale;
- 6 (2) a full explanation of the accounting method
7 used by the defendant as part of its independent
8 review and recomputation;
- 9 (3) a full explanation of each of the constituent
10 factors determining the prices, discounts,
11 delivery charges, and other terms and conditions
12 for the sale of ready-mix concrete sold by the
13 defendant;
- 14 (4) the prices, discounts, delivery charges and
15 other terms and conditions for the sale of
16 ready-mix concrete sold by the defendant before
17 and after the independent review and recomputation.

18 (C) The written results of the independent review and
19 recomputation required by Paragraph (B) of this Section
20 shall be submitted to the plaintiff at the offices
21 of the Antitrust Division, U. S. Department of Justice,
22 450 Golden Gate Avenue, Box 36046, San Francisco,
23 California 94102, within ninety (90) days after the
24 entry of this Final Judgment.

25 VI

26 Each defendant is ordered and directed to:

- 27 (A) Serve within sixty (60) days after the entry of this
28 Final Judgment a copy of this Final Judgment upon
29 each of its officers, directors, and/or partners, and
30 upon each of its employees and agents who have any
31 responsibility for the sale of ready-mix concrete;

- 1 (B) Serve a copy of this Final Judgment upon each successor
2 to such officers, directors, partners, employees or
3 agents described in Paragraph (A) of this Section,
4 within sixty (60) days after such successor becomes
5 employed or associated with such defendant;
- 6 (C) Within ninety (90) days after the entry of this Final
7 Judgment, to file with the Court and to serve upon the
8 plaintiff affidavits concerning the fact and manner
9 of compliance with Paragraph (A) of this Section;
- 10 (D) Obtain, from each officer, director, partner, employee
11 and agent served with a copy of this Final Judgment
12 pursuant to Paragraph (A) of this Section, and from
13 each successor to each such officer, director, partner,
14 employee and agent served with a copy of this Final
15 Judgment pursuant to Paragraph (B) of this Section,
16 a written statement evidencing each such person's
17 receipt of a copy of this Final Judgment, and to retain
18 such statements in its files.

19 VII

20 Upon motion of the plaintiff or upon this Court's own
21 motion, responsible officials of each defendant may, from
22 time to time, be ordered to appear before this Court to
23 give sworn testimony relating to each such defendant's
24 manner of compliance with the provisions of this Final
25 Judgment.

26 VIII

- 27 (A) For the purpose of determining or securing compliance
28 with this Final Judgment, and for no other purpose,
29 defendants shall permit duly authorized representatives
30 of the Department of Justice, on written request of
31 the Attorney General or the Assistant Attorney General
32

1 in charge of the Antitrust Division, and on reasonable
2 notice, subject to any legally recognized privilege:

3 (1) Access, during the business hours of defendants,
4 who may have counsel present, to those books,
5 ledgers, accounts, correspondence, memoranda and
6 other records and documents in the possession or
7 under the control of defendants which relate to
8 any matters contained in this Final Judgment;

9 (2) Subject to the reasonable convenience of defendants
10 and without restraint or interference from them,
11 to interview individuals who are officers or
12 employees of defendants, any of whom may have
13 counsel present, regarding any matters contained
14 in this Final Judgment.

15 (B) For the purpose of determining or securing compliance
16 with this Final Judgment, and for no other purpose,
17 upon written request of the Attorney General or the
18 Assistant Attorney General in charge of the Antitrust
19 Division, defendants shall submit such reports, in
20 writing, with respect to the matters contained in this
21 Final Judgment as may from time to time be requested.

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

IX

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 modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

X

Entry of this Final Judgment is in the public interest.

Dated: March 15, 1977

/s/ MARION J. CALLISTER
UNITED STATES DISTRICT JUDGE