

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

COOPER INDUSTRIES, INC.,

Defendant.

Civil Action No. 85-0765

Antitrust

Filed: March 6, 1985

Entered: June 28, 1985

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on March 6, 1985, and defendant, by its attorney, having 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 any evidence against or an admission by any party with respect to any such issue;

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

ORDERED, ADJUDGED, AND DECREED as follows:

I.

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted under Section 7 of the Clayton Act, 15 U.S.C. § 18.

II.

As used in this Final Judgment:

A. "Aviation lighting equipment" means airport identification and airport ground navigation lighting and control apparatus that provide visual guidance for the safe navigation of piloted air transportation, including but not limited to airport: in-pavement lights for runway and taxiway center line, touchdown zone and approach lighting, elevated edge lights for runways and taxiways, taxiway guidance signs, approach lighting systems, identification beacons, signaling devices, wind cones, obstruction lights, isolating transformers, constant current regulators, circuit selectors, and power adapters. Specifically excluded from the definition of "aviation lighting equipment" are underground electrical cable and, also, component parts of a fixture.

B. "Person" means any individual, partnership, firm, corporation, association, or other business or legal entity.

III.

This Final Judgment applies to the defendant and to its officers, directors, managers, agents, employees, subsidiaries, successors, and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV.

The defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of the assets used by it in its aviation lighting equipment business, that the acquiring party agree to be bound by the provisions of this Final Judgment, and that such agreement be filed with plaintiff and the Court.

V.

Defendant is hereby enjoined and restrained, for a period of ten years from the entry of this Final Judgment, from purchasing, consolidating with, acquiring control of, or leasing any aviation lighting equipment plant (except for renewal of an existing lease) from any person who has been engaged in the business of manufacturing aviation lighting equipment within two years preceding the date of the proposed transaction without the prior written consent of the Department of Justice or the Court. At least forty-five days in advance of the closing date of any such transaction, the defendant shall supply plaintiff with complete details concerning the terms and conditions of the proposed transaction. Within thirty days after its receipt of the above information plaintiff shall advise the defendant of any objection it may have to the consummation of the proposed transaction. If such an objection is made by plaintiff, then the proposed transaction shall not be consummated unless

approved by the Court on the basis of a showing by defendant, by a preponderance of the evidence, that the proposed transaction will not substantially lessen competition in any line of commerce in any section of the country. Provided, however, that this Section V shall not apply to any plant located outside the United States if none of its production was sold in the United States within the two year period preceding the proposed acquisition.

VI.

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to the defendant made to its principal office, be permitted:

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

(2) Subject to the reasonable convenience of defendant and without restraint or interference from it, to interview officers, employees, and agents of defendant, who may have counsel present, regarding any such matter.

B. Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to defendant's principal office, defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in this Section VI 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 United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by defendant to plaintiff, defendant represents and identifies in writing the material in any such information or documents for which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and the defendant marks each pertinent page of such material, "Subject

to Claim of Protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then plaintiff shall give ten days notice to the defendant before divulging the material in any legal proceedings (other than a grand jury proceeding) to which the defendant is not a party.

VII.

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of its provisions, for the enforcement of compliance with it or for the punishment of any violation of it.

VIII.

This Final Judgment shall be in effect for a period of ten years following its date of entry.

IX.

Entry of this Final Judgment is in the public interest.

Dated: June 28, 1985

/s/ Judge Norma Holloway Johnson
United States District Judge