

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CIVIL ACTION
-vs-)	
)	NO. 1589
NATIONAL AUDIO-VISUAL ASSOCIATION,)	
INC., and DON WHITE,)	
)	
Defendants.)	

FINAL JUDGMENT

The Plaintiff, United States of America, having filed its complaint herein on October 10, 1957; the defendants having filed their answer to such complaint denying the substantive allegations thereof; and the parties hereto by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without any admission by any party hereto 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 the 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 the parties hereto. The complaint states a claim for relief against the defendants under Section 1 of the Act of Congress of July 2, 1890, c.647,26 Stat. 209, entitled "An act to protect trade and commerce from unlawful restraints and monopolies", commonly known as the Sherman Act, as amended.

II

As used in this Final Judgment:

(A) "NAVA" means National Audio-Visual Association, Inc., a corporation organized and existing under the laws of Illinois with offices in Fairfax County, Virginia;

(B) "Audio-visual equipment" means new and used 16 millimeter motion picture projectors, filmstrip, slide, and other still projectors, projection screens, tape recorders, and record and transcription players;

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

III

The provisions of this Final Judgment applicable to the defendants shall apply to such defendants and to their successors, assigns, officers, directors, servants, employees and agents, and to all persons in active concert or participation with a defendant who receive actual notice of this Final Judgment by personal service or otherwise.

IV

Defendants Don White and NAVA are jointly and severally enjoined and restrained from:

(A) Fixing, establishing or stabilizing, or attempting to fix, establish or stabilize, trade-in allowances, prices or rentals to be charged for the purpose, sale or rental of any audio-visual equipment; provided, that this subsection shall not be deemed to prohibit defendant Don White from entering into any fair trade agreement valid and enforceable in the State where it is effective;

(B) Inducing any manufacturer or dealer to

(1) limit the territory within which any dealer may sell or rent any audio-visual equipment;

(2) allocate or divide, on an exclusive basis or otherwise, territories for the sale or rental of any audio-visual equipment;

- (C) Inducing any manufacturer to refrain from
 - (1) selling any audio-visual equipment to any particular person or group or class of persons;
 - (2) selling any audio-visual equipment to any person except on conditions and terms agreeable to NAVA;
 - (3) giving schools or any group or class of persons discounts or other favorable terms or conditions of sale or rental for audio-visual equipment;
- (D) Inducing any publication to
 - (1) not to accept advertising for audio-visual equipment from any person or group or class of persons;
 - (2) to reproduce or publicize any form or type of bid specification for the sale, rental or servicing of any audio-visual equipment;
- (E) Preparing, disseminating or approving any form or type of bid specification, to be used by any consumer, for the sale, rental or servicing of any audio-visual equipment;
- (F) Inducing or persuading any person, group or organization to use any form or type of bid specification for the sale, rental or servicing of any audio-visual equipment;
- (G) Preparing, disseminating or assisting in the preparation or dissemination of any book, list or literature, containing monetary trade-in values, or average trade-in values for any audio-visual equipment;
- (H) Permitting any manufacturer of audio-visual equipment to participate in the management, direction or control of NAVA by advisory committees or individual manufacturer or other committees of manufacturers;
- (I) Refusing to list, in any directory of manufacturers, the name of any manufacturer of audio-visual equipment if such manufacturer sells such equipment to dealers with a trade discount.

V

Defendant NAVA is ordered and directed to publicize, within 90 days from the date of entry hereof, the terms of this Final Judgment in the

following manner:

(A) Public announcements thereof mailed to each magazine and periodical heretofore disseminating NAVA bid specifications;

(B) Announcements thereof in a letter sent by first class mail to each person known to have received NAVA bid specification forms from:

- (1) NAVA;
- (2) an affiliate or member of NAVA; or
- (3) any person, group or organization supplied with such forms by NAVA;

(C) Announcements of the injunctions placed upon each of the defendants by the Final Judgment in two different issues of NAVA NEWS distributed to its members and affiliates.

VI

For the purpose of securing compliance with this Final Judgment, duly authorized representatives of the Department of Justice shall, on written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendants made to its principal office, be permitted, subject to any legally recognized privilege:

(A) Access, during office hours of defendants, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of defendants relating to any matters contained in this Final Judgment;

(B) Subject to the reasonable convenience of defendants and without restraint or interference from defendants, to interview officers or employees of defendants, who may have counsel present, regarding any such matters.

Upon such written request, defendants shall submit such reports in writing with respect to the matters contained in this Final Judgment as may from time to time be necessary to the enforcement of this Final Judgment.

No information obtained by the means permitted 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 Department of Justice except in the course of legal proceedings in which the United States is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

VII

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

VIII

That the plaintiff recover the costs of this suit.

Dated: October 10, 1957.

/s/ Albert V. Bryan
United States District Judge

We hereby consent to the making and entry of the foregoing Final Judgment:

For the Plaintiff:

/s/ Victor R. Hansen
VICTOR R. HANSEN
Assistant Attorney General

/s/ Earl A. Jinkinson
EARL A. JINKINSON

/s/ W. D. Kilgore, Jr.
W. D. Kilgore, Jr.

/s/ Harry H. Faris
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/s/ Barbara J. Svedberg
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