

UNITED STATES OF AMERICA v. MASON CONTRAC-
TORS ASS'N, ET AL., DEFENDANTS.
IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE DISTRICT OF COLUMBIA.

Civil Action No. 6169.

UNITED STATES OF AMERICA, COMPLAINANT

VS.

MASON CONTRACTORS ASSOCIATION OF THE DISTRICT
OF COLUMBIA; NORMAN P. SMITH COMPANY, INC.; AN-

CHOR FIREPROOFING COMPANY, INC.; THE MERANDO COMPANY, INC.; HORTON MYERS & RAYMOND, INC.; GRECO & CAROSELLA CO., INC.; F. J. KELLEY; WILLIAM F. NELSON; E. A. RULE; A. R. MYERS; C. M. RAYMOND; D. B. WEISINGER; HOMER T. BOOTH; ROY E. SHOOK; CHARLES W. HAMMETT; E. F. GREENSTREET; SAM MERANDO; RAYMOND PUMPHREY; DENNIS DONOVAN; JOHN GARVY; THOMAS F. ELAM; AND CARROLL LARKIN, DEFENDANTS.

JUDGMENT.

This cause came on to be heard on this 12th day of March 1940, the complainant being represented by David A. Pine, United States Attorney for the District of Columbia, and Walter R. Hutchinson, Special Assistant to the Attorney General, and the defendants being represented by their counsel, said defendants having appeared voluntarily and generally and having waived service of process.

It appears to the Court that the defendants have consented in writing to the making and entering of this judgment;

It further appears to the Court that this judgment will provide suitable relief concerning the matters alleged in the complaint, and that by reason of the aforesaid consent of the parties it is unnecessary to proceed with the trial of the cause, or to take testimony therein, or that any adjudication be made of the facts.

Now, therefore, upon motion of the complainant, without taking any testimony or evidence, and without making any adjudication of the facts, and in accordance with said consent, it is hereby

ORDERED, ADJUDGED, AND DECREED:

I. That the Court has jurisdiction of the subject matter set forth in the complaint and of all the parties hereto with full power and authority to enter this judgment, and that the complaint alleges a combination in restraint of trade and commerce in contracting for

masonry work and the competitive bidding thereon in violation of § 3 of the Act of Congress approved July 2, 1890, entitled, "An Act to protect trade and commerce against unlawful restraints and monopolies," commonly known as the Sherman Antitrust Act, and states a cause of action under said Act.

II. That the defendants and each of them and each and all of their respective officers, directors, members, agents, servants, and employees, and all persons acting or claiming to act on behalf of the defendants, or any of them, be, and they are hereby, perpetually enjoined and restrained from engaging in, carrying out, maintaining, or extending, directly or indirectly, any combination to restrain trade and commerce in contracting for masonry work and the competitive bidding thereon, such as is alleged in the complaint, and from entering into or carrying out, directly or indirectly, by any means whatsoever, any combination of like character or effect, and, more particularly (but the enumeration following shall not detract from the inclusiveness of the foregoing), from doing, performing, agreeing upon, entering upon, or carrying out any of the following acts or things:

(A) Operating any organization or engaging in any plan or procedure such as that commonly known as a bid depository whereby the elimination or restriction of low bids on any project in the District of Columbia is accomplished;

(B) Interfering or agreeing to interfere in any way with the right of any mason contractor to bid or to rebid on any project in the District of Columbia or with the right of any general contractor to request or receive bids or rebids from any qualified mason contractor and to enter into contracts or agreements with any such mason contractor;

(C) Interfering or agreeing to interfere in any way with free and open competitive bidding on any and all construction projects in the District of Columbia.

III. That for the purpose of securing compliance with the judgment, authorized representatives of the

Department of Justice shall, upon the request of the Attorney General or an Assistant Attorney General, be permitted access, within the office hours of the defendants, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or control of defendants, relating to any of the matters contained in this judgment; that any authorized representative of the Department of Justice shall, subject to the reasonable convenience of the defendants, be permitted to interview officers or employees of defendants, without interference, restraint, or limitation by defendants; that defendants, upon the written request of the Attorney General, shall submit such reports with respect to any of the matters contained in this judgment as may from time to time be necessary for the proper enforcement of this judgment.

IV. That jurisdiction of this case and of the parties hereto be, and it hereby is, retained by the Court for the purpose of giving full effect to this judgment and for the enforcement of a strict compliance therewith, and for the further purpose of making such other and further orders and judgments or taking such other action as may from time to time be necessary.

V. And that complainant recover its cost.

F. DICKINSON LETTS, *Judge*.

Dated at Washington, D. C., this 12th day of March, 1940.
