

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
AT ROANOKE, VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PITTSBURGH PLATE GLASS COMPANY;
CAROLINA MIRROR CORPORATION;
GALAX MIRROR COMPANY, INCORPORATED;
MOUNT AIRY MIRROR COMPANY; STROUPE
MIRROR COMPANY; VIRGINIA MIRROR
COMPANY, INCORPORATED and WEAVER
MIRROR COMPANY, INCORPORATED,

Defendants.

CIVIL ACTION NO. 838

Filed December 29, 1959

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on April 3, 1957, defendants having appeared and filed their answers to said complaint, and the parties hereto, by their respective attorneys, having consented to the entry of this Final Judgment, and without said Judgment constituting evidence or an admission by any party hereto with respect to any issue herein,

NOW, THEREFORE, upon consent of all parties hereto, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

I

This Court has jurisdiction of the subject matter hereof and of the parties hereto. The complaint states a claim against the defendants upon which relief may be granted under Section 1 of the Act of Congress of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," commonly known as the Sherman Act, as amended.

II

As used in this Final Judgment:

(A) "Plate glass mirrors" shall mean mirrors made from polished plate glass, including such mirrors with or without polished edges,

bevelled edges, surface engravings, decorations or other or further fabrication;

(B) "Person" shall mean any individual, partnership, firm, corporation, association or other business or legal entity;

(C) "Prediscount list prices" shall mean list prices used as a base for the application of a discount or discounts in the quotation of prices for plate glass mirrors.

III

The provisions of this Final Judgment applicable to any defendant shall apply to each such defendant and to its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any defendant who receive actual notice of this Final Judgment by personal service or otherwise.

IV

(A) Each of the defendants is ordered and directed to discontinue on and after April 15, 1960 any and all use of the following: List Prices of Plain Mirrors, April 1, 1950, Mirror Manufacturers Association; Plain Mirrors, List Prices, April 25, 1950, Pittsburgh Plate Glass Company; Official List Prices of Plain Mirror Plates, December 1, 1936, Copyrighted by Mirror Manufacturers Association and National Glass Distributors Association; and any other prediscount list prices used prior to or at the date of the entry of this Final Judgment, except prediscount list prices not used for the sale of plate glass mirrors to furniture or other manufacturers, distributors or jobbers. Nothing contained in this subsection (A) shall prohibit the defendants from issuing invoices on and after April 15, 1960, covering the pricing of plate glass mirrors on the basis of any discount from any of the aforementioned prediscount list prices for firm orders taken prior to said date.

(B) Each of the defendants is enjoined and restrained from requesting, assisting or facilitating the use by any other mirror manufacturer of any of the lists covered by subsection (A) of this Section IV.

(C) Each of the defendants is ordered and directed, on or before April 15, 1960, to notify in writing each of its furniture manufacturer customers that, in accordance with the terms of this Final Judgment, it is discontinuing the use of the prediscount list prices for plate glass mirrors then in effect, designating precisely in such notice the list or lists being discontinued.

(D) Each defendant is ordered and directed on or about April 15, 1960 to compile new prediscount list prices or other price lists, replacing those prediscount list prices covered by subsection (A) of this Section IV, such prediscount list prices or price lists to be independently determined by such defendant on the basis of its individual costs, profits and other lawful considerations. Copies of such prediscount list prices or price lists shall be promptly furnished to the Assistant Attorney General in charge of the Antitrust Division.

For the purpose of determination by this Court of compliance with this subsection (D) by any defendant, in the event that plaintiff institutes any proceeding with respect to such compliance, the defendant shall initially introduce its evidence to show the manner of its compliance with this subsection (D).

V

The defendants are jointly and severally enjoined and restrained from entering into, adhering to, participating in, maintaining, renewing or furthering any contract, combination, conspiracy, agreement, understanding, plan, program, or concerted course of action among themselves or with any other person engaged in the manufacture of plate glass mirrors or any association, organization or agency whose membership includes mirror manufacturers:

(A) To determine, fix, establish, adopt or maintain prices, price systems, discounts, or any other terms or conditions of sale for plate glass mirrors with respect to any sale to any other person;

(B) To use the same or similar prediscount list prices or any price lists for the sale of plate glass mirrors;

(C) To establish, print, publish, exchange, circulate or use any price lists (including any prediscount list prices) for plate glass mirrors or to establish, exchange or use any formulae or any other means of determining such price lists, price quotations, or any other terms or conditions of sale of plate glass mirrors.

VI

(A) Each defendant is enjoined and restrained from using (except as permitted under subsection (A) of Section IV herein) as a basis for the sale of plate glass mirrors to furniture manufacturers any prediscount list prices which are compiled or which are disseminated by any person other than such defendant.

(B) Each defendant is ordered and directed, if it uses any prediscount list prices for the sale of plate glass mirrors to furniture manufacturers, to determine any such list prices independently and on the basis of its individual costs, profits and other lawful considerations.

VII

Each of the defendants, nine months after the date of the entry of this Final Judgment, shall serve, by mailing a copy to the Assistant Attorney General in charge of the Antitrust Division, a report stating whether such defendant, since the discontinuance of the lists designated in subsection (A) of Section IV of this Final Judgment, has established or used any prediscount list prices or other price lists for the sale of plate glass mirrors to furniture and other manufacturers, distributors or jobbers, together with a copy of each such list and a statement as to the date when, and manner in which, each such list was established.

VIII

For the purpose of securing compliance with this Final Judgment and for no other purpose, duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(A) Reasonable access, during the office hours of such defendant, to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant which relate to any matter contained in this Final Judgment;

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

(C) To require such defendant to submit reports in writing with respect to the matters contained in this Final Judgment.

No information obtained by the means provided in this Section VIII 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 Government, except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment.

IX

Jurisdiction is retained for the purpose of enabling any of the parties to this Final Judgment to apply to the 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 or termination of any of the provisions thereof, and for the enforcement of compliance therewith and the punishment of violations thereof.

Dated: December 29, 1959

John Paul
United States District Judge

We consent to the entry of this Final Judgment:

For the Plaintiff:

Robert A. Bicks
Acting Assistant Attorney General

Samuel Karp

W. D. Kilgore, Jr.

Raymond M. Carlson

Charles L. Whittinghill

Attorneys, Department of Justice

For the Defendants:

Pittsburgh Plate Glass Company

Stroupe Mirror Company

By Cyrus V. Anderson
Its Attorney

By W. P. Sandridge
Its Attorney

Carolina Mirror Corporation

Virginia Mirror Company, Incorporated

By Howard C. Gilmer, Jr.
Its Attorney

By H. N. Joyce
Its Attorney

Galax Mirror Company, Incorporated

Weaver Mirror Company, Incorporated

By H. G. Morison
Its Attorney

By N. B. Hutchenson, Jr.
Its Attorney

Mount Airy Mirror Company

By H. G. Morison
Its Attorney