

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CONTINENTAL GRAIN COMPANY,

Defendant.

Civil Action No.

Entered: July 21, 1970

FINAL JUDGMENT

The complaint having been filed herein on June 15, 1970, the plaintiff and said defendant, 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 this Final Judgment constituting evidence or admission by any party with respect to any issue of fact or law herein.

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 consenting hereto. The complaint states a claim upon which

relief may be granted against the defendant 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) "Elevator" shall mean any grain elevator owned or operated by the defendant in the United States, including the one located in Beaumont, Texas, which is the facility as to which the complaint herein was specifically directed;

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

III

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

IV

After October 1, 1970, the defendant is enjoined and restrained from:

(A) Conditioning, directly or indirectly, the loading by any person at any elevator upon any requirement or understanding that stevedoring services of any particular person be utilized;

(B) Entering into any contract, agreement or understanding (except where the defendant is the charterer or subcharterer or is bearing the cost of stevedoring services) with the owner or charterer of any vessel that the defendant may or will select the person which will provide stevedoring services for loading any vessel at any elevator; or

(C) Denying or otherwise restricting any person access to and the use of the facilities at the terminal or dock of an elevator in order to provide stevedoring services for loading at the elevator;

Provided, however, that the provisions of this Section IV shall not prohibit the defendant from establishing and enforcing regulations for access to and use of the facilities at an elevator, and the conduct of stevedoring operations thereat, provided that such regulations are reasonable and applied without discrimination to all persons seeking such access and use.

V

The defendant is ordered and directed to mail a copy of this Final Judgment to each stevedoring

company operating in the vicinity of each elevator, within thirty (30) days after the effective date of this Final Judgment, and to mail to the Department of Justice a list of the stevedoring companies to whom a copy of the Final Judgment is sent.

VI

For the purpose of determining or 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 made to the defendant's principal office, be permitted, subject to any legally recognized privilege:

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

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

Upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, defendant shall submit such reports in writing and under oath or affirmation if so requested, with respect to the matters contained in this Final Judgment, as may from time to time be requested.

No information obtained by the means provided in this Section 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 plaintiff 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, or as otherwise required by law.

VII

Jurisdiction is retained for the purpose of enabling any party consenting 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 modification or termination of any of the provisions herein, for the enforcement of compliance herewith and the punishment of violations hereof.

Dated: July 21, 1970

/s/ JOE J. FISHER

Judge