

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. FL-74-78-Civ-
)	NCR, JR.
CLIMATROL CORPORATION, and)	Filed: March 22, 1977
SCREENCO, INC.,)	
)	Entered: June 3, 1977
Defendants.)	

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on March 21, 1974, and the plaintiff and the defendants, by their respective attorneys, having appeared and consented to entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein, and without admission by any party with respect to any such issue, and without this Final Judgment constituting any evidence or admission by any party with respect to any such issue;

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

ORDERED, ADJUDGED and DECREED as follows:

I

This Court has jurisdiction over the subject matter herein and over the parties hereto. The complaint states a claim against the defendants upon which relief may be granted under Section 1 of the Sherman Act (15 U.S.C. §1).

II

As used in this Final Judgment:

A. "Person" means any individual, association, cooperative, partnership, corporation or other business or legal entity;

B. "Screen enclosure" means a structure enclosing a balcony, patio, porch, swimming pool or space and consisting of a frame to which metal or other screen cloth is fastened and parts and accessories for such structures; and

C. "Competitor" means any person engaged in the business of fabricating or installing screen enclosures.

III

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

IV

Each defendant is enjoined and restrained from, directly or indirectly, entering into, adhering to, enforcing, maintaining, furthering or claiming any rights under any contract, agreement, understanding, plan, program or concert of action with the other defendant or with any other competitor.

A. To fix, maintain, determine, establish or stabilize the price, bid or offer, or any other term or condition for the sale or installation of any screen enclosure to any other person;

B. To allocate or assign to the other defendant or any other competitor, any customer, project, market or territory for the sale or installation of any screen enclosure; or

C. To quote, bid or make an offer or to refrain from quoting, bidding or making an offer for the sale or installation of any screen enclosure to any other person.

V

Each defendant is enjoined and restrained from, directly or indirectly:

A. Intimidating, coercing, compelling or attempting to intimidate, coerce or compel the other defendant or any other competitor to adopt, use or adhere to any uniform or specific price or any other term or condition to be quoted, bid, charged or offered to any other person for the sale or installation of any screen enclosure; or

B. Disclosing, suggesting to or discussing with the other defendant or any other competitor consideration of or information concerning the price or any other term or condition to be quoted, bid, charged or offered for the sale or installation of any screen enclosure to any specific or identified customer or for any specific or identified project.

VI

Each defendant is ordered and directed:

A. To furnish within sixty (60) days after entry to this Final Judgment a copy thereof to each of its officers and directors and to each of its agents and employees having any sales, bidding or pricing responsibility;

B. To furnish a copy of this Final Judgment to each person who becomes an officer, director, agent or employee described in Subsection A of this Section VI, within sixty (60) days after such person is employed by or becomes associated with such defendant;

C. To file with the Court and serve upon the plaintiff, within ninety (90) days from the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with Subsection A of this Section VI; and

D. To obtain, from each person described in Subsection A or B of this Section VI, a written statement evidencing such person's receipt of a copy of this Final Judgment, and to retain such statements in its files.

VII

For the purpose of determining or securing compliance with this Final Judgment, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division or his agent, subject to any legally recognized privilege:

A. On reasonable notice to a defendant made to its principal office duly authorized representatives of the Department of Justice shall be permitted:

1. Access, during 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 relating to any matters contained in this Final Judgment; and

2. Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, directors, employees or agents of such defendant, any of whom may have counsel present, regarding any matters contained in this Final Judgment.

B. Each defendant shall submit such reports in writing, under oath if requested, with respect to matters contained in this Final Judgment as may from time to time be so requested.

No information obtained by the means permitted in this Section VII 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, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

VIII

Jurisdiction is retained by the 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 modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

IX

Entry of this Final Judgment is in the public interest.

Dated: June 3, 1977

/s/ NORMAN C. ROETTGER, JR.
UNITED STATES DISTRICT JUDGE