

**Trade Regulation Reporter - Trade Cases (1932 - 1992), United States v. Paul Barnett, Inc., Central Stationers, Inc., Long Office Supply Co., Mr. Foster's Store, Inc., Seminole Paper & Printing Co., Ino, Skagseth-Bryant, Inc., and Atlantic Paper Co., U.S. District Court, S.D. Florida, 1961 Trade Cases ¶69,925, (Feb. 3, 1961)**

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United States v. Paul Barnett, Inc., Central Stationers, Inc., Long Office Supply Co., Mr. Foster's Store, Inc., Seminole Paper & Printing Co., Ino, Skagseth-Bryant, Inc., and Atlantic Paper Co.

1961 Trade Cases ¶69,925. U.S. District Court, S.D. Florida, Miami Division. Civil Action No. 10,422 M. Filed February 3, 1961. Case No. 1573 in the Antitrust Division of the Department of Justice.

**Sherman Act**

**Combinations and Conspiracies—Consent Decree (Paper and Office Supplies)—Price Fixing—Boycott or Refusal to Deal—Exclusive Dealing—Sales Below Cost.**—A group of paper and office supply dealers has been prohibited, by a consent decree, from entering into agreements or understandings involving price fixing practices or policing of such agreements, boycotts, refusal to deal, or exclusive dealing, and sales below cost. However, the judgment is not to apply to transactions between a defendant and its direct or indirect parent, a defendant and its subsidiaries, or officers or employees.

For the plaintiff: W. Wallace Kirkpatrick, Acting Assistant Attorney General, W. D. Kilgore, Jr., Lewis Bernstein, Joseph J. O'Malley, and Charles F. B. McAleer, Attorneys, Department of Justice.

For the defendants: Lee Robinson for Skagseth-Bryant, Inc., and Richard M. White and Herbert S. Colton for other defendants.

**Final Judgment**

LIEB, District Judge [ *In full text*]: Plaintiff, United States of America, having filed its complaint herein on December 8, 1960, the defendants having appeared and filed their answers to the 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 said judgment constituting evidence or an 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 or admission by any party hereto in respect of any such issue, and upon consent of all 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 upon which relief may be granted against the defendants 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) "Person" shall mean any individual, partnership, corporation, association or other business or legal entity;
- (B) "Parent" shall mean any person owning 51% or more of the stock, regularly entitled to vote, of any defendant.

### III

The provisions of this Final Judgment applicable to any defendant shall apply to such defendant, its officers, directors, agents, employees, subsidiaries, successors and assigns, and to those persons in active concert or participation with any defendant who receive actual notice of this Final Judgment by personal service or otherwise. This Final Judgment shall not apply to transactions between a defendant and its direct or indirect parent, or between a defendant and its subsidiaries or its directors, officers, agents and employees or any of them when acting in such capacity.

### IV

Each of the defendants is enjoined and restrained from:

(A) Entering into, maintaining, adhering to or enforcing, directly or indirectly, any contract, agreement, understanding, plan or program among themselves or with any other person to:

(1) Fix, establish, determine, stabilize or suggest prices, discounts or other terms or conditions for the sale of paper or office supplies to any third person;

(2) Boycott or otherwise refuse to do business with, or threaten to boycott or otherwise refuse to do business with any person;

(3) Police prices, discounts or other terms or conditions at which paper or office supplies are sold;

(4) Refuse to sell paper or office supplies to any third person;

(5) Buy or offer to buy paper or office supplies on the condition or understanding that the seller thereof not sell such items to or do business with any third person;

(6) Sell or threaten to sell paper or office supplies below cost.

(B) Continuing as a member or becoming a member of any formal or informal association or group which is composed of paper or office supply dealers doing business in the State of Florida, if the activities of such association or group would be in violation of this Final Judgment if it were a party defendant herein.

### V

Nothing in the preceding Section shall be construed as prohibiting defendants from exercising such lawful rights as they may have under and pursuant to the Miller-Tydings Act as amended.

### VI

(A) For the purpose of securing compliance with this Final Judgment and for no other purpose, 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 any defendant made to its principal office, be permitted, subject to any legally recognized privilege:

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

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

(B) Upon such written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, said defendant 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;

(C) No information obtained by the means provided 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 Executive Branch

of the plaintiff 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.