

Trade Regulation Reporter - Trade Cases (1932 - 1992), United States v. Reed Roller Bit Co., American Machine and Foundry Co. and AMF American Iron Inc., U.S. District Court, W.D. Oklahoma, 1969 Trade Cases ¶72,755, (Mar. 3, 1969)

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United States v. Reed Roller Bit Co., American Machine and Foundry Co. and AMF American Iron Inc.
1969 Trade Cases ¶72,755. U.S. District Court, W.D. Oklahoma. No. 66-248 Filed March 3, 1969. Case No. 1901 in the Antitrust Division of the Department of Justice.

Clayton Act

Acquisitions and Mergers—Divestiture—Relief from Decree—Diligent Effort to Sell.— A litigated antimerger judgment requiring partial divestiture (offending product lines) was amended to delete the divestiture provision, since the acquirer diligently made every effort to effect a sale of the facilities as required by the decree. There was no basis for requiring further efforts and attempts to comply.

Amending decree ordered in [1967 Trade Cases ¶ 72,146](#).

For the plaintiff: Raymond P. Hernacki, Chicago, Ill. and B. Andrew Potter, U. S. Dist. Atty., Oklahoma City, Okla.

For the defendants: James E. Work and Coleman Hayes, Oklahoma City, Okla., Herbert A. Bergson and Samuel H. Seymour, Washington, D. C, John Snodgrass and John L. Murchison, Jr., Houston, Tex.

Order Modifying Final Judgment of July 25, 1967

EUBANKS, D. J.: Be it remembered on the 3rd day of March, 1969, the motion of G. W. Murphy Industries, Inc. (formerly Reed Roller Bit Company) (Murphy), to amend the Final Judgment of July 25, 1967, came on regularly to be heard and the Court having been advised that the attorneys for the Plaintiff, United States of America, do not oppose the granting of the Motion of the Defendant Murphy to strike paragraph IV of the Final Judgment of July 25, 1967, thereby permitting the Defendant Murphy to retain all of the assets of AMF American Iron, Inc. acquired by Murphy from American Machine & Foundry Company and the Court having considered the bimonthly reports made by Murphy pursuant to section IV(D) of the Final Judgment regarding the efforts of Murphy to comply with the Final Judgment and the Court having further considered the affidavit of C. M. Kucera, House Counsel and Secretary of the Defendant Murphy which affidavit was admitted into the record in the above entitled and numbered cause and it appearing, on the basis of the bimonthly reports submitted by the Defendant Murphy pursuant to section IV(D), and the affidavit of C. M. Kucera, describing the Company's efforts to comply with the Final Judgment, that the Defendant Murphy has diligently made every effort to effect a sale of the facilities as is provided in paragraph IV of said Final Judgment and it further appearing to the Court that there is no basis for requiring further efforts and attempts to comply with said paragraph IV of the Final Judgment, and the Court being fully advised in the premises,

It is hereby ordered and decreed as follows:

- (1) G. W. Murphy Industries, Inc. will be permitted to retain all of the assets of AMF American Iron, Inc., that it acquired pursuant to an agreement with American Machine & Foundry Company and will be permitted to retain or deal with such assets as it desires; and
- (2) Paragraph IV of the Final Judgment of July 25, 1967, is, in its entirety, stricken.