

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA, :
Plaintiff, :
 :
against : Civil Action :
 : No. 56-295 W :
GOLD FILLED MANUFACTURERS ASSOCIATION, :
INC., et al., :
Defendants. : Filed: July 1, 1957 :
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FINAL JUDGMENT

The plaintiff, United States of America, having filed its complaint herein on April 5, 1956, and each of the defendants having appeared herein and the plaintiff and said defendants, by their respective attorneys, having severally 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 such defendant in respect of any such issue;

NOW, THEREFORE, before any testimony or evidence has been taken herein, and without trial or adjudication of any issue of fact or law herein, and upon the consent of all the parties hereto, it is hereby

ORDERED, ADJUDGED, AND DECREED as follows:

I

The Court has jurisdiction of the subject matter herein and all the parties hereto. The complaint states a claim upon

which relief may be granted against the defendants and each of them 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" means any individual, partnership, firm, association, corporation, or other legal entity; for the purposes of this Judgment Edward N. Cook Plate Company, Inc. and I. Stern & Co., Inc. shall be deemed to be one person and one defendant;

(B) "Gold filled manufacturer" means a person engaged in the business of manufacturing gold filled and rolled gold plate sheet, wire or tubing, hereinafter referred to as "gold filled and rolled gold plate";

(C) "Defendant Association" means Gold Filled Manufacturers Association, Inc.

III

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

IV

The defendant Association is enjoined and restrained from collecting from or circulating, reporting, or recommending to any gold filled manufacturer any costs or averaged costs of

manufacture or sale of gold filled or rolled gold plate, any prices or terms of sale of gold filled or rolled gold plate or any formulae for computing such costs or prices.

V

The defendants are jointly and severally enjoined and restrained from:

(A) Urging, influencing or suggesting, or attempting to urge, influence or suggest, to any other gold filled manufacturer the price or prices, or other terms or conditions for the sale of gold filled or rolled gold plate;

(B) Entering into, adhering to, maintaining or claiming any right under any contract, combination, agreement, understanding, plan or program with any other manufacturer of gold filled or rolled gold plate or any association or central agency of or for such manufacturers to fix, determine, establish or maintain prices, pricing methods, discounts or other terms of sale of gold filled or rolled gold plate;

(C) Circulating or exchanging any price lists or price quotations applicable to gold filled or rolled gold plate with any other gold filled manufacturers in advance of the publication, circulation or communication of such price lists or price quotations to the customers of such defendants;

(D) Circulating, exchanging or using, in any manner, any price list or purported price list containing or purporting to contain any prices or terms or conditions for the sale of gold filled or rolled gold plate which have been agreed upon or

established by agreement between two or more gold filled manufacturers; and

(E) Being a member of, contributing anything of value to, or participating in any of the activities of, any trade association or central agency for gold filled manufacturers with knowledge that the activities thereof are in violation of any of the provisions of this Final Judgment.

VI

Each of the defendants, other than the defendant Association, is ordered and directed, not later than sixty (60) days following the date of the entry of this Final Judgment, individually and independently (1) to review its then prevailing prices for gold filled and rolled gold plate, (2) to determine prices for gold filled and rolled gold plate based on its own manufacturing and overhead costs, the margin of profit individually desired and other lawful considerations, and (3) in place of its then prevailing prices, to establish the prices determined under (2) above, which prices shall become effective not later than one hundred and fifty (150) days following the date of the entry of this Final Judgment. The provisions of this section shall not apply to any defendant which since November 1, 1955 has individually and independently established its own prices in a manner consistent with the procedures set forth in this section.

VII

The provisions of Sections V and VI above shall not be deemed to invalidate, prohibit or restrain bona fide negotiations between gold filled manufacturers concerning sales to one another.

VIII

The defendant Association is ordered and directed, within ten (10) days after the date of its entry, to furnish to each of its present members a conformed copy of this Final Judgment and to file with this Court, and with the plaintiff herein, a report setting forth the fact and manner of its compliance with this Section VIII, together with the names and addresses of each person to whom a copy of this Final Judgment shall have been furnished in compliance herewith.

IX

For the purpose of securing compliance with this Final Judgment, 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 Anti-Trust 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, relating to any of the matters contained in this Final Judgment, and (b) subject to the reasonable convenience of such defendant, and without restraint or interference, to interview officers and employees of such defendant who may have counsel present, regarding such matters. For the purpose of securing compliance with this Final Judgment, the defendants, upon the written request of the Attorney General, or the Assistant Attorney General in charge of the Anti-Trust Division, shall submit such written reports with respect to any of the matters

contained in this Final Judgment as from time to time may be necessary for the purpose of enforcement of this Final Judgment. No information obtained by the means permitted in this Section IX shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Department except in the course of legal proceedings for the purpose of securing compliance with this Final Judgment in which the United States is a party or as otherwise required by law.

X

Jurisdiction of this Court 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 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 thereof, for the enforcement or compliance therewith, and punishment of violations thereof.

Date

United States District Judge

We consent to the making and entry of the foregoing

Final Judgment:

For the Plaintiff:

/s/ Victor R. Hansen
VICTOR R. HANSEN
Assistant Attorney General

/s/ Richard B. O'Donnell
RICHARD B. O'DONNELL

/s/ W. D. Kilgore, Jr.
WILLIAM D. KILGORE, JR.

Attorneys

/s/ Harry N. Burgess
HARRY N. BURGESS

/s/ John J. Galgay
JOHN J. GALGAY

/s/ Philip Bloom
PHILIP BLOOM

/s/ Joseph T. Maioriello
JOSEPH T. MAIORIELLO

/s/ Alan L. Lewis
ALAN L. LEWIS
Attorneys

We consent to the making and entry of the foregoing

Final Judgment:

For the Defendants:

GOLD FILLED MANUFACTURERS
ASSOCIATION, INC.

By /s/ John M. Hall
of counsel

J. L. ANTHONY & COMPANY

By /s/ John M. Hall
of counsel

COOK-DUNBAR-SMITH COMPANY

By /s/ Matthew W. Goring
of counsel

EDWARD N. COOK PLATE COMPANY,
INC.

By /s/ Ralph J. Gutman
of counsel

HORTON ANGELL COMPANY

By /s/ John W. McIntyre

A. HOLT AND COMPANY, INC.

By /s/ Ronald B. Smith
of counsel

THE IMPROVED SEAMLESS WIRE
COMPANY

By /s/ John M. Hall
of counsel

LEACH & GARNER COMPANY

By /s/ Ronald B. Smith
of counsel

METAL & CONTROLS CORPORATION

By /s/ Matthew W. Goring
of counsel

STANDARD METALS CORPORATION

By /s/ John M. Hall
of counsel

I. STERN & CO., INC.

By /s/ Ralph J. Gutman
of counsel

UNION PLATE & WIRE CO.

By /s/ Samuel H. Lane
of counsel

VENNERBECK AND CLASE COMPANY

By /s/ Francis J. Kiernan

A. T. WALL COMPANY

By /s/ Westcote H. Chesebrough

THE H. A. WILSON COMPANY

By /s/ Ralph J. Gutman
of counsel