

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

.....
UNITED STATES OF AMERICA,
Plaintiff
v.
ALLIED CHEMICAL CORPORATION, et al.,
Defendants.
.....

Civil Action
No. 59-784-S

STIPULATION MODIFYING FINAL JUDGMENT
AS TO DEFENDANT KOPPERS COMPANY, INC.

Now come the plaintiff and the defendant Koppers Company, Inc. and, acting by and through their respective undersigned attorneys of record, hereby stipulate and agree, subject to the approval of the Court, that the final judgment hereinbefore entered on November 28, 1960, shall be modified as to said defendant by amending paragraphs VI and VII to read, respectively, as follows:

VI

"The defendant Koppers Company, Inc. 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 road tar in New England, (2) to determine prices of road tar in New England based on its own manufacturing and overhead costs, the margin of profit individually desired and other lawful considerations, and (3) to establish in New England the prices determined under (2) above, which prices shall become effective not later than ninety (90)

VII

"The defendant Koppers Company, Inc. is ordered and directed for a period of five years after the date of entry of this Final Judgment to submit a sworn statement in the form set forth in Appendix A hereto, with each bid for road tar submitted to any governmental body in New England. Such sworn statement shall be signed by the vice president and general manager of the defendant's division dealing with paving materials, by the person actually responsible for the preparation of said bid, and by the person who signed said bid; and a duplicate of each such sworn statement and of such bid, together with the workpapers used in the preparation of such bid shall be kept in the files of the defendant for a period of six years from the date of execution of such bids."

The plaintiff and the defendant Koppers Company, Inc., acting as aforesaid, hereby further stipulate and agree, subject to the approval of the Court, that Appendix A to said Final Judgment shall be modified as to said defendant by striking out the words "Signature of principal officer" appearing under the first signature line thereof and by substituting in place thereof the words "Signature of vice president of division dealing with paving materials."

For the plaintiff:

/s/ John J. Galsay
JOHN J. GALSAY

/s/ Bernard Wehrmann
BERNARD WEHRMANN

/s/ Elhanan C. Stone
ELHANAN C. STONE

Attorneys, Department of Justice

KOPPERS COMPANY, INC.

By /s/ Donald R. Grant
Ropes, Gray, Best, Coolidge & Rugg
Donald R. Grant
Ropes, Gray, Best, Coolidge & Rugg,
Its Attorneys

Approved:

/s/ Geo. C. Sweeney
United States District Judge

Dated: 1-18-61

A TRUE COPY ATTEST

/s/ Eleonor T. Forry
Deputy Clerk