

[Trade Regulation Reporter - Trade Cases \(1932 - 1992\), United States v. Providence Fruit & Produce Building, Inc., et al., U.S. District Court, D. Rhode Island, 1977-2 Trade Cases ¶61,602, \(Mar. 23, 1977\)](#)

Federal Antitrust Cases

1533

Trade Regulation Reporter - Trade Cases (1932 - 1992) ¶61,602

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United States v. Providence Fruit & Produce Building, Inc., et al.

1977-2 Trade Cases ¶61,602. U.S. District Court, D. Rhode Island, Civil Action No. 1533, Dated March 23, 1977.

Case No. 1154, Antitrust Division, Department of Justice.

### Sherman Act

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#### Headnote

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**Terminal Facilities: Fruit and Produce: Discriminatory Leasing: Chronological Treatment of Applicants: Exception for Condemnation: Modification of Consent Decree.–**

As a result of a modification of a 20-year-old consent decree, a tenant in a produce market building whose space had been taken by condemnation could lease another available space equal in area, insofar as it was possible, to the space taken, without according first consideration to any pending applicant as had been required by the decree.

**Modifying consent decree,** [1954 Trade Cases ¶67,872](#).

**For plaintiff:** W. Clyde Robinson, Robert J. Ludwig, and Robert J. Rose, Dept. of Justice, Washington, D. C. **For defendants:** Frank Licht, Harry J. Hoopis, and John P. Hawkins, Providence, R. I., John F. Cuzzone, of Quinn, Cuzzone & Geremia, Providence, R. I., for W. J. Canaan; Rudolph E. Boffi, Providence, R. I., for Manhattan Tomato Co.; and Andrew P. Quinn, Providence, R. I.

### Order

Pettine, D. J.: Whereas, a Final Judgment was entered herein by this Court on October 18, 1954, requiring the defendant, Providence Fruit & Produce Building, Inc., (“Company”), to lease available space in the Produce Building to applicants therefor in the chronological order in which such applications are received by the Company, and

Whereas, space has now become available in the Produce Building because of the termination of its lease by a tenant, and by the bankruptcy of another tenant, and

Whereas, certain space in the Produce Building now occupied by tenants under lease to the Company has been condemned by the State of Rhode Island Department of Transportation, which has resulted in the displacement of such tenants from their respective leased space, and

Whereas, the Final Judgment makes no provision for such condemnation, and the Court believing it to be in the public interest to amend said Final Judgment, it is therefore,

Ordered, Adjudged and Decreed, that

I. Section V of the 1954 Final Judgment is amended by adding thereto a new subsection (H) as follows:

(V)

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(H) Notwithstanding any of the provisions of this Final Judgment, the Company shall allocate and offer to lease to any tenant whose space in the Produce Building has been taken by condemnation or other eminent domain proceedings, any available space in such Produce Building equal in area, insofar as it is possible, to the space taken.