

Trade Regulation Reporter - Trade Cases (1932 - 1992), United States v. Holiday on Ice Shows, Inc., International Ice Attractions, Inc., North American Ice Attractions, Inc., and Ice Capades, Inc., U.S. District Court, W.D. Pennsylvania, 1963 Trade Cases ¶70,613, (Jan. 29, 1963)

United States v. Holiday on Ice Shows, Inc., International Ice Attractions, Inc., North American Ice Attractions, Inc., and Ice Capades, Inc.

1963 Trade Cases ¶70,613. U.S. District Court, W.D. Pennsylvania. Civil Action No. 62-215. Entered January 29, 1963. Case No. 1655 in the Antitrust Division of the Department of Justice.

Sherman Act

Combination-Allocating Territories—Ice Shows—Consent Judgment.—Three ice show producers were each prohibited by a consent judgment from allocating territories where ice shows will be played, pooling or sharing profits or revenues from ice shows, and were directed to divest all their right, title and interest in a fourth ice show company.

For the plaintiff: Lee Loevinger, W. D. Kilgore, Jr., Larry L. Williams, Samuel Z. Gordon and Jerome A. Rabow.

For the defendants: Benedict Deinard, for International Ice Attractions, Inc.; John G. Buchanan, Jr., for International Ice Attractions, Inc., Ralph D. McKee, for North American Ice Attractions, Inc., and John G. Buchanan, Jr., for Ice Capades, Inc.

Final Judgment

MILLER, District Judge [*In full text*]: Plaintiff, United States of America, having filed its complaint herein on March 27, 1962, the defendants having appeared and filed their answers thereto, 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 any admission by any party as to any such issue;

Now, therefore, it is.

Ordered, adjudged and decreed as follows:

I

[Sherman Act]

This Court has jurisdiction of the subject matter of this action and of the parties hereto. The complaint states a claim for relief 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

[Definition]

As used herein "person" shall mean any individual, firm, partnership, corporation, association or other business or legal entity.

III

[Applicability]

The provisions of this Final Judgment applicable to any defendant shall apply to such defendant, its subsidiaries, successors and assigns, and to its officers, directors, agents and employees, and to all other persons in active

concert or participation with any such defendant who receive actual notice of this Final Judgment by personal service or otherwise.

IV

[Practices Prohibited]

The contract of July 1, 1957 entered into by the defendants, including the amendments and agreements ancillary thereto, is ordered cancelled and terminated as of June 30, 1963 and the defendants are enjoined and restrained from thereafter claiming any rights there under or under any other contract having the purpose or effect forbidden by Section V hereof, except for the payment and distribution among defendants of rentals, fees and dividends on account of operations prior to such termination date.

V

[Allocating Territories, Sharing Profits]

Defendants are jointly and severally enjoined and restrained from entering into, adhering to, maintaining or furthering, or claiming any rights under, any other contract, combination, conspiracy, agreement or understanding having the purpose or effect of:

(A) Allocating, dividing or assigning cities or territories where the ice shows of Holiday on Ice Shows, Inc., or any wholly owned subsidiary thereof or any affiliate thereof with substantially common ownership, on the one hand, and of Ice Capades, Inc. and International Ice Attractions, Inc., or either of them, on the other hand, shall be played, or where the ice shows of a defendant and those of any other producer of a national touring ice show within the United States of America, its territories and possessions, who is not a defendant, shall be played;

(B) Pooling or sharing of profits or revenues from the ice shows of Holiday on Ice Shows, Inc., or any wholly owned subsidiary thereof or any affiliate thereof with substantially common ownership, on the one hand, and of Ice Capades, Inc. and International Ice Attractions, Inc., or either of them, on the other hand, or from the ice shows of a defendant and those of any other producer of a national touring ice show within the United States of America, its territories and possessions, who is not a defendant.

VI

[Divestiture]

On or before September 1, 1963, defendants Holiday on Ice Shows, Inc., International Ice Attractions, Inc., and Ice Capades, Inc., or either Holiday on Ice Shows, Inc., on the one hand, or both International Ice Attractions, Inc. and Ice Capades, Inc., on the other hand, shall divest all their right, title and interest in defendant North American Ice Attractions, Inc. and shall not thereafter reacquire any right, title or interest in said defendant, or in lieu of such divestment, defendants shall cause North American Ice Attractions, Inc. to be dissolved.

VII

[Review]

For the purpose of determining and securing compliance with this Final Judgment and subject to any legally recognized privilege, duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or the Assistant General in charge of the Antitrust Division, and on reasonable notice to any defendant made to its principal office, be permitted:

(A) Reasonable access, during 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 matters contained in this Final Judgment;

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

Upon such written request, any 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.

No information obtained by the means permitted in this Section VII 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.

VIII

[*Jurisdiction Retained*]

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, modification or termination of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.