

IN THE DISTRICT COURT OF THE UNITED STATES

NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

UNITED STATES OF AMERICA, :
 :
 Plaintiff, :
 :
 vs : CIVIL ACTION NO. 26823.
 :
 THE LORAIN JOURNAL COMPANY, : FINAL JUDGMENT
 SAMUEL A. HORVITZ, ISADORE :
 HORVITZ, D. P. SELF, and :
 FRANK MALOY, :
 :
 Defendants.

Plaintiff, United States of America, filed its complaint herein on September 22, 1949 and filed its amended complaint on January 4, 1950. The defendants filed their answers to said complaint on October 11, 1949, and to said amended complaint on January 13, 1950. This cause came on for trial March 1, 1950, and trial was completed on March 14, 1950. The Court filed its opinion August 29, 1950 and on January 5th 1951 filed its findings of fact and conclusions of law, finding and adjudging the defendants to have violated Section 2 of the Sherman Act.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

1

The provisions of this judgment applicable to defendant The Lorain Journal Company shall apply to it, its officers, directors, agents, employees and attorneys and to those persons in active concert or

participation with it or them who receive actual notice of this judgment by personal service or otherwise.

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Defendants have violated Section 2 of the Act of Congress of July 2, 1890, 26 Stat. 209, Title 15 U.S.C. §2, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", commonly known as the Sherman Act, by engaging in an attempt to monopolize trade and commerce among the several states.

111

Defendant The Lorain Journal Company is enjoined and restrained from:

A. Refusing to accept for publication or refusing to publish any advertisement or advertisements or discriminating as to price, space, arrangement, location, commencement or period of insertion or any other terms or conditions of publication of advertisement or advertisements where the reason for such refusal or discrimination is, in whole or in part, express or implied, that the person, firm or corporation submitting the advertisement or advertisements has advertised, advertises, has proposed or proposes to advertise in or through any other advertising medium.

B. Accepting for publication or publishing any advertisement or making or adhering to any contract for the publication of advertisements on or accompanied by any condition, agreement or understanding, express or implied:

1. That the advertiser shall not use the advertising medium of any person, firm or corporation other than defendant The Lorain Journal Company;

2. That the advertiser use only the advertising medium of defendant The Lorain Journal Company;

C. Cancelling, terminating, refusing to renew or in any manner impairing any contract, agreement or understanding, involving the publication of advertisements, between the defendants, or any of them, and any person, firm or corporation for the reason, in whole or in part, that such person, firm or corporation advertised, advertises or proposes to advertise in or through any advertising medium other than the newspaper published by the corporate defendant.

IV

Commencing fifteen (15) days after the entry of this judgment and at least once a week for a period of twenty-five weeks thereafter the corporate defendant shall insert in the newspaper published by it a notice which shall fairly and fully apprise the readers thereof of the substantive terms of this judgment and which notice shall be placed in a conspicuous location.

V

Defendant The Lorain Journal Company and the individual defendants are ordered and directed to:

A. Maintain for a period of five (5) years from the date of this judgment, all books and records, which shall include all correspondence, memoranda, reports and other writings, relating to the subject matter of this judgment;

B. Advise in writing within ten (10) days from the date of this judgment any officers, agents, employees, and any other persons acting for, through or under defendants or any of them of the terms of this judgment and that each and every such person is subject to the provisions of this judgment. The defendants shall make readily available to such persons a copy of this judgment and shall inform them of such availability.

VI

For the purpose of securing compliance with this judgment, and for no other purpose, any duly authorized representative or representatives of the Department of Justice shall, upon written request of the Attorney General or an Assistant Attorney General, and on notice reasonable as to time and subject matter made to the principal office of the Lorain Journal Company, and subject to any legally recognized privilege, be permitted:

A. Access during the office hours of said corporate defendant to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of said corporate defendant relating to any matters contained in this judgment;

B. Subject to the reasonable convenience of said corporate defendant and without restraint or interference from defendants, to interview officers or employees of said defendants, who may have counsel present, regarding such matters, provided, however, that no information obtained by the means provided in this Section VI shall be divulged by the Department of Justice to any person other than a duly authorized

representative of such Department, except in the course of legal proceedings in which the United States is a party, or as otherwise required by law.

VII

Jurisdiction of this cause is retained for the purpose of enabling any of the parties to this judgment to apply to the Court at any time for such further orders and directions as may be necessary or appropriate in relation to the construction of, or carrying out of this judgment, for the amendment or modification of any of the provisions thereof, or the enforcement of compliance therewith and for the punishment of violations thereof.

VIII

Judgment is entered against the defendants for all costs to be taxed in this proceeding.

/s/ Freed
United States District Judge

January 5, 1951.

(SEAL)

A True Copy of the Original
Filed 1/5/51

Attest: C. B. Watkins, Clerk

By James C. Rainey
Deputy Clerk

Dated 1/5/51
Cleveland, Ohio