

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
FOURTH DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 -against-)
)
MORTON SALT COMPANY,)
INTERNATIONAL SALT COMPANY,)
DIAMOND CRYSTAL SALT COMPANY,)
and CAREY SALT COMPANY,)
)
 Defendants.)

CIVIL NO. 4-61 Civ. 162

ENTERED: November 4, 1963

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on July 11, 1961, the defendant International Salt Company having appeared and filed its answer to the complaint, denying the substantive allegations thereof, and the plaintiff and the defendant International Salt Company by their respective attorneys having severally consented to the entry of this Final Judgment without adjudication of any issue of fact or law herein and without this Final Judgment constituting evidence or an admission by either party consenting hereto with respect to any such issue;

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

ORDERED, ADJUDGED AND DECREED as follows:

I

This Court has jurisdiction of the subject matter hereof and of the parties consenting hereto, and the complaint states a claim upon which relief may be granted against the defendant International Salt Company 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. The making and entry of this Final Judgment shall be without prejudice to the plaintiff seeking other, further and different relief against the remaining defendants in this action.

II

As used in this Final Judgment:

(A) "Person" means any individual, partnership, firm, association, corporation or other legal or governmental entity;

(B) "Rock salt" means a common salt (sodium chloride) occurring in solid form as a mineral.

III

The provisions of this Final Judgment applicable to the defendant International Salt Company shall apply also to its subsidiaries, successors, assigns, officers, directors, agents and employees, and to all other persons in active concert or participation with such defendant who shall have received actual notice of this Final Judgment by personal service or otherwise, but shall not apply to transactions solely between such defendant and its officers, directors, agents, employees, parent company and subsidiaries, or any of them, when acting in such capacity.

IV

The defendant International Salt Company is enjoined and restrained from entering into, adhering to, maintaining or claiming any right under any contract, combination, agreement, understanding, plan or program with any other person to:

(A) Establish, maintain, stabilize or fix prices, pricing methods or any other terms or conditions for sales to any third person;

(B) Submit collusive or rigged bids or quotations to any third person.

V

The defendant International Salt Company is enjoined and restrained from entering into, adhering to, maintaining or claiming

any right under any contract, combination, agreement, understanding, plan or program with any seller of rock salt to:

(A) Bid or quote, refrain from bidding or quoting or communicate an intention to bid or quote on any rock salt to be sold to any third person; or

(B) Hinder, restrict, limit or prevent any person from selling rock salt to, or purchasing rock salt from, any third person.

VI

The defendant International Salt Company is enjoined and restrained from directly or indirectly:

(A) Urging or suggesting to any seller of rock salt the quotation or charging of any price or other term or condition of sale of rock salt;

(B) Communicating to or exchanging with any producer or distributor or rock salt any information relative to prices, pricing methods or transportation charges applicable to rock salt except in connection with bona fide purchase or sale negotiations or published offers to sell;

(C) Disclosing to or exchanging with any seller of rock salt the intention to submit or not submit a bid or quotation, the fact that a bid or quotation has or has not been submitted or made, or the content or terms of any bid or quotation; or

(D) Selling rock salt to any reseller thereof on a commission basis.

VII

Nothing in this Final Judgment shall be deemed to (a) prevent the defendant International Salt Company from individually or jointly with others presenting its views to appropriate regulatory agencies with respect to import tariffs or taxes upon or transportation charges for rock salt, or (b) prevent such defendant from exercising any rights it may have under the Act of Congress of 1937, commonly called the Miller-Tydings Act, as amended, or (c) require that such defendant act in violation of any law or regulation of the United States of America.

VIII

For the purpose of securing compliance with this Final Judgment, and for such purpose only, 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 Antitrust Division, and on reasonable notice to the defendant International Salt Company made to its principal office, be permitted, subject to any legally recognized privilege and with the right of said defendant to have counsel present:

(A) Reasonable access during the office hours of said defendant, to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of said defendant, relating to any of the matters contained in this Final Judgment; and

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

Upon such written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, the said defendant 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 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 for the purpose of securing compliance with this Final Judgment in which the United States is a party or as otherwise required by law.

IX

Jurisdiction is retained for the purpose of enabling either of the parties consenting 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 modification or termination of any of the provisions thereof, for the enforcement of compliance therewith, and punishment of violations thereof.

Dated: November 4, 1963

GINNAR H. NORLBYE
UNITED STATES DISTRICT JUDGE