

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

FOURTH DIVISION

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

MILK DRIVERS & DAIRY EMPLOYEES)
UNION, LOCAL NO. 471, INTERNATIONAL)
BROTHERHOOD OF TEAMSTERS, CHAUFFEURS,)
WAREHOUSEMEN & HELPERS OF AMERICA,)

Defendant.)

CIVIL ACTION

No. 4361

[Entered Nov. 12, 1957 by Judge Edward
J. Devitt]

FINAL JUDGMENT

AS TO DEFENDANT MILK DRIVERS AND
DAIRY EMPLOYEES UNION, LOCAL NO. 471

Plaintiff, United States of America, having filed its complaint herein on November 24, 1952, and the defendants having appeared and filed their several answers, and the Court having entered on June 23, 1955 a Final Judgment as to all defendants except the defendant Union, the issues as to the defendant Union having been tried from February 13, 1957 to February 19, 1957, the Court having entered its opinion on August 30, 1957 and its findings of fact and conclusions of law on

1957, and it appearing to the Court that there is no just reason for delay in entering a Final Judgment, it is hereby

ORDERED, ADJUDGED AND DECREED, as follows:

I

The Court has jurisdiction of the subject matter hereof and of the plaintiff and the defendant Union. The defendant, Milk Drivers and Dairy Employees Union, Local No. 471, has combined and conspired with the defendants herein to unreasonably restrain the distribution and sale of milk and cream in the Minneapolis area in violation of 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

As used in this Final Judgment:

(A) "Person" shall mean an individual, partnership, firm, corporation, association, trustee, cooperative, or any other legal entity;

(B) "Union" shall mean defendant Milk Drivers and Dairy Employees Union, Local No. 471, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, A. F. of L.;

(C) "Distributor" shall mean any person engaged in the business of processing and bottling milk or cream and selling or distributing such milk or cream to consumers or other purchasers;

(D) "Milk" shall mean cow's milk sold for human consumption in fluid form as whole milk, or as milk drinks, such as chocolate milk, buttermilk, and skimmed milk;

(E) "Cream" shall mean fluid cream removed or separated from cow's milk and sold for human consumption in fluid form as cream;

(F) "Vendor" shall mean any person (other than a store, restaurant or hotel) engaged primarily in the business of purchasing milk or cream from a distributor and reselling such milk or cream to consumers or other purchasers, including stores, restaurants, and hotels;

(G) "Minneapolis area" shall mean the territory lying within the corporate limits of the city of Minneapolis, Minnesota, and the adjacent suburbs named Columbia Heights, St. Louis Park, Morningside, Richfield, New Brighton, Edina, and Robbinsdale, all in the State of Minnesota;

(H) "Stores" shall mean grocery stores, whether chain or independently owned, delicatessens, so-called milk stores which specialize in the sale of milk products, and like establishments which purchase milk or cream for resale to consumers for consumption off the premises;

(I) "Labor dispute" shall mean any actual controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

III

The provisions of this Final Judgment applicable to the defendant Union shall also apply to its members, officers, agents, servants, employees, and attorneys, and to those persons in active concert or

participation with them who receive actual notice of this Final Judgment by personal service or otherwise. None of the provisions of this Final Judgment shall prohibit the defendant Union from engaging in necessary activities in connection with a bona fide labor dispute or collective bargaining.

IV

The defendant Union is enjoined and restrained from directly or indirectly entering into, adhering to, maintaining or participating in any combination, conspiracy, contract, agreement, understanding, plan or program with any other person to:

(A) Fix, establish or determine the price or other terms of sale for milk or cream sold to third persons;

(B) Induce or coerce, or attempt to induce or coerce, any store, vendor or distributor from selling milk or cream at any price set by said store, vendor or distributor;

Provided, however, that nothing in this Section IV or Section V(B) shall be deemed to prevent the defendant Union from representing a vendor who is a member of the Union in negotiating the purchase price for milk or cream, on behalf of such vendor with a distributor in the Minneapolis area, if the vendor in writing requests the Union to represent him in such negotiations.

V

The defendant Union is ordered and directed:

(A) To eliminate from its contracts with any distributor all provisions, with the exception of the requirement of Union membership,

which restrict or curtail, directly or indirectly, any person from becoming a vendor, and the defendant Union is enjoined and restrained from entering into any agreement or understanding having the effect of continuing or renewing any of the same or similar restrictions;

(B) To eliminate from its contracts all references to the prices at which vendors buy or sell milk or cream in the Minneapolis area, and the defendant Union is enjoined and restrained from entering into any agreements or understandings having the effect of continuing or renewing any of the same or similar restrictions;

(C) To eliminate from its contracts Section L of Article 5 of the 1955-56 [Section T in the 1956-57] Union-distributor agreements and the defendant Union is enjoined and restrained from entering into any agreements or understandings having the effect of continuing or renewing any of the same or similar restrictions;

(D) To refrain from printing, writing or distributing any resale price lists to any store containing suggested or recommended out-of-store prices to be charged by any store for milk or cream sold in the Minneapolis area;

(E) To refrain from compelling, inducing or requesting, individually or otherwise, any store not to advertise its out-of-store price for milk or cream;

(F) To refrain from suggesting or recommending to any store the price such store should charge for milk or cream sold in the Minneapolis area.

VI

For the purpose of securing compliance with this Final Judgment 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 Union made to its principal office, be permitted:

(A) Access during the 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, and

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

Upon such request defendant Union shall submit written reports to the Department of Justice with respect to any 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 provided in this Section VI of this Final Judgment shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Department of Justice except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

VII

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

VIII

The judgment is entered against the defendant Union for all costs to be taxed in this proceeding.

s/ EDWARD J. DEVITT
United States District Judge

Dated: November 12, 1957