

UNITED STATES OF AMERICA v. SHEET METAL  
ASSOCIATION ET AL., DEFENDANTS.

IN THE DISTRICT COURT OF THE UNITED STATES FOR  
THE EASTERN DISTRICT OF LOUISIANA, NEW ORLEANS  
DIVISION.

Civil Action No. 261.

UNITED STATES OF AMERICA, PLAINTIFF

VS.

SHEET METAL ASSOCIATION, A CORPORATION; LOUIS P. DURAND; R. J. HOLZER; ERNEST BLATTMANN; WILLIAM B. MATTEL; AMERICAN SHEET METAL WORKS, A CORPORATION; BLATTMANN-WEESER SHEET METAL WORKS, INC.; HOLZER SHEET METAL WORKS, INC.; CHARLES CLOTWORTHY, DOING BUSINESS AS GROESBECK-CLOTWORTHY CO., SIDNEY N. PRATS AND MRS. L. VERNON, DOING BUSINESS AS SIDNEY N. PRATS SHEET METAL WORKS; H. RICHMOND FAVROT AND CARL G. FASNACHT, DOING BUSINESS AS FAVROT ROOFING & SUPPLY CO.; C. D. AUGUSTIN, DOING BUSINESS AS OLYMPIA ROOFING CO.; A. H. WHITE CO., LTD.; AND J. J. CLARKE CO., INC., DEFENDANTS.

FINAL DECREE.

The United States of America having filed its complaint herein on the 5th day of February 1940, and each of the defendants having duly appeared by their respective counsel and filed their answer herein; and having consented to the entry of this decree, without contest and before any testimony had been taken, upon condition that neither such consent nor this decree shall be considered an admission or adjudication that any of said defendants (except defendant Sheet Metal Association) have violated any statute; and the United States by its counsel having consented to the entry of this decree and to each and every provision hereof, and having moved the Court for this injunction,

WHEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED as follows:

I. That the Court has jurisdiction of the subject matter hereof and of all persons and parties hereto and that the complaint states a cause of action against the defendants under the Act of Congress of July 2, 1890, commonly known as the Sherman Antitrust Act.

II. That the defendants and each and all of them and each and all of their respective officers, representatives, agents, servants, employees, and all persons acting or claiming to act on behalf of or under the defendants or any of them be and they hereby are perpetually enjoined and restrained:

1. From carrying out or continuing to carry out, directly or indirectly, expressly or impliedly, the combination and conspiracy to restrain interstate trade and commerce alleged and described in the complaint herein through the use of any one or more of the following means, to wit:

(a) The holding of meetings by defendant Sheet Metal Association or by any of the defendants herein or any group thereof for the purpose of entering and comparing any bids requested by or to be submitted to general contractors or any other corporations or individuals;

(b) The dissemination or exchange among the members of said defendant Sheet Metal Association or among any of the defendants herein at meetings or in any manner otherwise of any information regarding quantities of materials or labor necessary to the performance of any job by any of the defendants herein or of prices to be charged therefor;

(c) The addition by defendants or either of them to any bid offered by them, or either of them, for the performance of sheet-metal work, built-up roofing work, or air-conditioning work of any sum or amount, whether same be a percentage of said bid or otherwise, for the purpose of defraying organization, bid depository, or joint estimating expense.

2. From aiding, abetting, inducing, or assisting, individually or collectively, others to do any of the things which the defendants are herein restrained from doing.

III. That for the purpose of securing compliance with the judgment, authorized representatives of the Department of Justice shall, upon the request of the Attorney General or an Assistant Attorney General, be permitted access, within the office hours of the defendants, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or control of the defendants or any of them, relating to any of the matters contained in this judgment; that any authorized representative of the Department of Justice shall, subject to the reasonable convenience of the defendants, be permitted to interview officers or employees of defendants, without interference, restraint, or limitation by defendants; that defendants, upon the written request of the Attorney General, shall submit such reports with respect to any of the matters contained in this judgment as may from time to time be necessary for the proper enforcement of this judgment.

IV. That jurisdiction of this cause is retained for the purpose of enforcing or modifying this decree and for the purpose of granting such additional or supplemental relief as may hereafter appear necessary or appropriate.

Dated February 5th, 1940.

(Sig.) WAYNE G. BORAH,  
*United States District Judge.*