

# **Trade Regulation Reporter - Trade Cases (1932 - 1992), United States v. Tidewater Marine Service, Inc., Twenty Grand Marine Service, Inc., Tidex, Inc., and Pan Marine Service, Inc., U.S. District Court, E.D. Louisiana, 1971 Trade Cases ¶73,705, (Oct. 26, 1971)**

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United States v. Tidewater Marine Service, Inc., Twenty Grand Marine Service, Inc., Tidex, Inc., and Pan Marine Service, Inc.

1971 Trade Cases ¶73,705. U.S. District Court, E.D. Louisiana, New Orleans Division. Civil Action No. 68-97, Section E. Entered October 26, 1971. Case No. 1984, Antitrust Division, Department of Justice.

## **Clayton Act**

**Acquisitions and Mergers—Divestiture—Charter Vessels—Consent Decree.**—A consent decree required a charter vessel firm to divest at least eight of twenty-four supply and utility boats acquired from another charter vessel firm through merger. The vessels, located in the Gulf of Mexico, must be divested to a person or persons in a manner first approved by the government. In addition, the divesting vessel charter firm may not acquire, for a period of five years, any company that operates five or more supply and utility boats in the Gulf of Mexico, or acquire separately or as a part of a merger or acquisition any supply and utility boats from anyone engaged in the business of providing supply and utility boats to oil companies, and other companies engaged in offshore exploration, recovery and production of petroleum products in the Gulf of Mexico, without prior governmental approval, according to the order.

**For plaintiff:** Richard W. McLaren, Asst. Atty. Gen., Baddia J. Rashid, Bernard M. Hollander, Joseph J. Saunders and Joel Davidow.

**For defendants:** Louis B. Porterie.

## **Final Judgment**

CASSIBRY, D. J.: Plaintiff, United States of America, having filed its complaint herein on January 16, 1968, seeking to enjoin an alleged violation of [Section 7 of the Clayton Act](#) (15 U. S. C. Sec. 18); and defendants having filed their joint answer, and plaintiff's Motion for a Preliminary Injunction having been denied; the plaintiff and the defendants, by their respective attorneys having each consented to the making and entry of this Final Judgment;

Now therefore, before any testimony has been taken and without trial or final adjudication of any issue of law or fact herein, and without any admission by any party with respect to any such issue and upon the consent of plaintiff, the Court being advised and having considered the matter, it is hereby

Ordered, Adjudged and Decreed as follows:

I

### **[ Jurisdiction]**

This Court has jurisdiction of the subject matter of this action and of the parties hereto. The complaint states a claim upon which relief may be granted against Tidewater Marine Service, Inc. under Section 7 of the Act of Congress of October 15, 1914 (15 U. S. C. § 18), as amended, commonly known as the Clayton Act.

II.

### **[ Definitions]**

As used in this Final Judgment, "Tidewater Marine" means defendant Tidewater Marine Service, Inc. of New Orleans, Louisiana.

### III.

#### [ *Applicability* ]

The provisions of this Final Judgment shall be binding upon Tidewater Marine and upon its officers, directors, agents, servants, employees, successors and assigns, and upon all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

### IV.

#### [ *Divestiture* ]

Tidewater Marine shall, within three (3) years, dispose of at least eight (8) of the twenty-four (24) supply and utility boats which were acquired from Twenty Grand, Inc., and which are located in the Gulf of Mexico to a person or persons and in a manner first approved by the plaintiff. (List attached of all such vessels in Exhibit I) [not reproduced]. Preference shall be granted to prospective purchasers who intend to use the purchased boats in the Gulf of Mexico.

### V.

#### [ *Future Acquisitions* ]

Tidewater Marine for a period of five (5) years shall not acquire any company that operates five or more supply and utility boats in the Gulf of Mexico, or acquire separately or as part of a merger or acquisition any supply and utility boats from anyone engaged in the business of providing supply and utility boats to oil companies, and other companies engaged in offshore exploration, recovery and production of petroleum products in the Gulf of Mexico, unless permission is first obtained from the Attorney General. This shall not in any manner restrict "Tidewater Marine" from acquiring boats from builders or through construction for its own account.

### VI.

#### [ *Inspection and Compliance* ]

(A) For the purpose of determining or 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 of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Tidewater Marine at its principal office, be permitted:

(1) Access, during office hours of Tidewater Marine, to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of Tidewater Marine relating to any matters contained in this Final Judgment; and

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

(B) Tidewater Marine, upon such written request, shall submit such reports in writing to the Department of Justice with respect to any matters contained in this Final Judgment as may, from time to time, be requested. No information obtained by the means provided in this Section VI 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 plaintiff except in the course of proceedings to which the United States of America is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

### VII

#### [ *Jurisdiction Retained* ]

Jurisdiction is retained by this Court for the purpose of enabling any party 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, the modification of any provision thereof, for the enforcement of compliance herewith, and for the punishment of violations hereof.