

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN WASTE MATERIALS
CORPORATION ET AL.,

Defendants.

CIVIL ACTION

NO. 10927 (3)

Filed: February 21, 1958

FINAL JUDGMENT

The plaintiff, United States of America, having filed its complaint herein on October 24, 1956; the defendants having appeared by their counsel; and the parties hereto, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without admission by any party hereto with respect to any such issues;

NOW, THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, or admission by any party in respect of any issue, and upon consent of all parties hereto,

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

I

This Court has jurisdiction of the subject matter of this action and of the parties hereto. The complaint states a claim against the defendants 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,

II

As used in this Final Judgment:

(A) "Waste rags" means rags usually collected from householders, industrial and commercial firms, and non-profit organizations and groups, and includes, but is not limited to, all types of fabrics, such as cotton, wool, silk, mohair, flax, jute, synthetic fibres, and other textiles, as well as all types of rope, string, hair, and feathers, as applied to the waste rag industry.

(B) "Retail dealer" means a person, firm, or corporation engaged in the business of buying waste rags from junk collectors and others for resale to wholesalers.

(C) "Wholesaler" means a person, firm, or corporation engaged in the business of buying waste rags from retail dealers for resale to consumers.

(D) "Consumer" means a person, firm, or corporation engaged in the business of buying waste rags from wholesalers for use as a raw material or for resale after processing. It includes, but is not limited to, industrial laundries, used clothing outlets, and mills producing roof covering material, floor covering material, siding, paper, textiles, pillows, upholstery, and other products.

(E) "Person" means any individual, partnership, firm, corporation, trustee, association, or any other business or legal entity.

III

The provisions of this Final Judgment applicable to any defendant shall apply to such defendant, its subsidiaries, successors and assigns, and to each of its officers, agents, servants and employees, and to all persons in active concert or participation with the defendant who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Defendants are severally and jointly enjoined and restrained from entering into, adhering to, maintaining, enforcing, or claiming any rights under, directly or indirectly, any contract, agreement, combination, or understanding with any wholesaler or any retailer of waste rags, the purpose or effect of which is to:

(A) Allocate or divide retail dealers of waste rags among wholesalers;

(B) Allocate or divide the quantity or volume of waste rags handled or supplied by designated retail dealers to designated wholesalers;

(C) Compel or require that a wholesaler buy waste rags from a designated retail dealer;

(D) Compel or require that a retailer sell waste rags to a designated wholesaler;

(E) Fix, determine, maintain, or adopt a price or price formula for use by wholesalers in buying or quoting to retail dealers the price offered or to be paid for waste rags.

V

Beginning within ten days after the entry of this Final Judgment, the defendants are ordered and directed to publish the full text of this Final Judgment as follows: Once a week for three weeks in all editions within one 24-hour period in the publication known as the Daily Mill Stock Reporter published by the Atlas Publishing Company, 425 West 25th Street, New York 1, New York.

VI

For the purpose of securing compliance with this Final Judgment, duly authorized representatives of the Department of Justice shall upon written request of the Attorney General, or the Assistant Attorney

General in charge of the Antitrust Division, and on reasonable notice to a defendant, made to its principal office, be permitted, subject to any legally recognized privilege:

- (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 of the matters contained in this Final Judgment; and
- (b) Subject to the reasonable convenience of such defendant, and without restraint or interference from it, to interview officers and employees of such defendant, who may have counsel present, regarding any such matters;
- (c) Upon such written request, defendant American Waste Materials Corporation, and each of the individual defendants who hereafter incorporate to engage in the business of buying waste rags either as a retail dealer or wholesaler as a separate business or legal entity, shall submit on behalf of such corporation or legal entity such reports in writing to the Department of Justice with respect to any of the matters contained in this Final Judgment as may from time to time be necessary to the enforcement of this Final Judgment.

No information obtained by the means permitted 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 Department 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 of this cause is retained by the Court for the purpose of enabling any of the parties to this Final Judgment to apply to the Court at any time for such further orders and directions as may be necessary or appropriate for the construction, carrying out, or modification of this Final Judgment or any of its provisions, or for the enforcement of compliance therewith and for the punishment of violations thereof.

s/ Randolph H. Weber
United States District Judge

Dated: February 21, 1958