

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Civil Action
v.	)	
	)	No. 24401
RETAIL FLOOR COVERING ASSOCIATION OF	)	
GREATER PHILADELPHIA, H. S. BRIGHT	)	
& CO., INC., MORTON FLOOR COVERING CO.,	)	Filed: April 20, 1959
REINHART, INC., GOLD FLOOR COVERINGS	)	
(a partnership), MARTIN LIEBERSON	)	
(a partnership), ISADORE KLINGHOFFER	)	
(a partnership),	)	
	)	
Defendants.	)	

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on April 2, 1958; the defendants having appeared herein and filed their answers to said complaint denying any violations of law; and the plaintiff and the said defendants, by their respective attorneys, having severally consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or of law herein; and specifically without admission by any party in respect to any such issue; and the Court having considered the matter and being duly advised;

NOW, THEREFORE, before any testimony or evidence has been taken herein, and without trial or adjudication of any issue of fact or law herein, and upon the consent of the parties hereto,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED AS FOLLOWS:-

I

The Court has jurisdiction of the subject matter hereof and all the parties hereto. The complaint states a claim upon which relief may be granted 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) "Person" means an individual, partnership, firm, corporation, association, trustee or any other business or legal entity;

(B) "Floor covering materials" means both hard and soft surface floor coverings, including but not limited to rugs, rug cushions, carpet, linoleum, and tile of types other than ceramic;

(C) "Retail store" or "retailer" means any person who maintains stocks of floor covering materials for resale to consumers; and

(D) "Wholesaler" means any person engaged in the purchase of floor covering materials from manufacturers thereof for sale or distribution to retail stores or other persons selling to ultimate consumers.

III

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

IV

The defendants are jointly and severally enjoined and restrained from entering into, adhering to, maintaining or furthering, any contract,

agreement, understanding, plan or program, among themselves or with any other person directly or indirectly to:

(A) Hinder, restrict, limit or prevent the sale of floor covering materials to any person or group or class of persons;

(B) Hinder, restrict, limit or prevent any manufacturer or wholesaler of floor covering materials from selling floor covering materials to any person;

(C) Refuse or threaten to refuse to purchase floor covering materials from or otherwise deal with any manufacturer or wholesaler thereof;

(D) Induce, compel or coerce, or attempt to induce, compel or coerce any person or group or class of persons to refrain from purchasing, selling or distributing floor covering materials produced or distributed by any person; and

(E) Induce, compel or coerce, or attempt to induce, compel or coerce any manufacturer or wholesaler of floor covering materials to refuse to deal with or discriminate against any person or group or class of persons in connection with the purchase, sale or distribution of floor covering materials.

V

Each defendant is enjoined and restrained from directly or indirectly:

(A) Inducing, compelling or coercing, or attempting to induce, compel or coerce any manufacturer, wholesaler or retailer to refrain from purchasing, selling or discriminating in the purchase, sale or distribution of floor covering materials from or to any person or group or class of persons; and

(B) Belonging to, organizing, becoming a member of, or participating in the activities of any trade association or other organization, the activities of which are or may be inconsistent with any provision of this Final Judgment.

VI

The defendant Association is ordered and directed:

(A) Within thirty (30) days after entry hereof, to serve upon each of its present and former members a conformed copy of this Final Judgment;

(B) To institute forthwith and to complete within three months from the date of this Final Judgment such proceedings as may be appropriate and necessary to adopt by-laws incorporating therein Sections IV and V of this judgment;

(C) To furnish to each of its present and future members a copy of its by-laws adopted in accordance with subsection (B) of this Section VI and require compliance with said by-laws as a condition of membership or continued membership;

(D) To expel promptly from membership any present or future member who shall violate any of those provisions of its by-laws which incorporate Sections IV and V of this Final Judgment when said Association shall have knowledge of such violation; and

(E) Within four months after the date of entry of this Final Judgment to file with this Court and serve upon the plaintiff an affidavit setting forth the fact and manner of its compliance with this Section VI.

VII

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 any defendant, be permitted,

(A) 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 from it, to interview officers and employees of such defendant who may have counsel present, regarding such matters.

Upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, said defendant shall submit such reports in writing to the Department of Justice as may from time to time be necessary to the enforcement of this Final Judgment. No information obtained by the means provided in this Section VII 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 in which the United States is a party for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

VIII

Jurisdiction is retained by this 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 or carrying out of this Final Judgment, for the amendment or modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

Dated: April 20 ,1959

/s/ Thomas C. Egan
United States District Judge

We hereby consent to the making and entry of the foregoing Final Judgment:

For the Plaintiff:

/s/ Victor R. Hansen
VICTOR R. HANSEN

Assistant Attorney General

/s/ William D. Kilgore, Jr.
WILLIAM D. KILGORE, JR.

/s/ Lewis Bernstein
LEWIS BERNSTEIN

Attorneys, Department of Justice

For the Defendants:

TROMMER, SILVER AND BARSKY

By: /s/ Jay D. Barsky
JAY D. BARSKY

/s/ William L. Maher
WILLIAM L. MAHER

/s/ Donald G. Balthis
DONALD G. BALTHIS

/s/ John J. Hughes
JOHN J. HUGHES

/s/ Morton M. Fine
MORTON M. FINE

Attorneys, Department of Justice