

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
v. : CIVIL ACTION NO. 28,229
FOSTER-WHEELER CORPORATION, :
et al. :

FILED AUG 30 1963

STIPULATION AND ORDER FOR MODIFICATION
OF FINAL JUDGMENT AS TO ALLIS-CHALMERS
MANUFACTURING COMPANY

It is stipulated and agreed by and between plaintiff and defendant Allis-Chalmers Manufacturing Company (hereinafter "Allis-Chalmers") as follows:

1. Allis-Chalmers represents that it has, as of December 20, 1962, discontinued its steam turbine-generator and related condenser business and that, except for fulfillment of then-outstanding manufacturing commitments, it does not now intend hereafter to engage in the offering for sale, sale or manufacture of condensers as that product is defined in subsection II(A) of the Final Judgment entered in this action on November 21, 1962 and applicable to it (hereinafter the "Final Judgment"), except to the extent that it may continue to engage in the offering for sale, sale and manufacture of any auxiliaries and accessory equipment embraced within the Final Judgment.

2. Under the circumstances stated in paragraph 1 of this stipulation, it is no longer appropriate to require Allis-Chalmers to comply with the provisions of subsections VI(A) (except with respect to such condenser auxiliaries and accessory equipment referred to in paragraph 1 above which it may continue to offer for sale, sell and manufacture) and VI(C) of the Final Judgment, because those subsections require affirmative action which is meaningful and of utility only with respect to a defendant that is continuing to engage in the offering for sale, sale and manufacture of the equipment to which those subsections refer.

3. This Court may enter an order relieving Allis-Chalmers from compliance with the provisions in subsections VI(A) and VI(C) of the Final Judgment as set forth below.

/s/ Donald C. Balhis
Attorney for plaintiff

/s/ Edward W. Mullinix
Attorney for Allis-Chalmers
Manufacturing Company

O R D E R

Entered by Clerk of Court, 1963. Approved by the Court on the 11th day of July, 1963.

ORDERED that defendant Allis-Chalmers Manufacturing Company is hereby relieved from compliance with the provisions in subsections VI(A) and VI(C) of the Final Judgment entered against it is this action on November 21, 1962, unless it should, prior to November 20, 1963, resume the offering for sale or sale of condensers, in which event it shall comply with the provisions of subsection VI(A), and unless it should, at any time prior to November 21, 1972, resume the offering for sale thereof, in which event it shall, after such resumption, comply with the provisions of subsection VI(C) to the same extent as it would have been required so to comply had it never been relieved of its obligation to do so; Provided, however, that for purposes of this order the term "condensers" as used herein has the meaning defined in subsection II(A) of the foregoing Final Judgment except that it does not include auxiliaries and accessory equipment as stated in that definition; and Provided, further, that as to such auxiliaries and accessory equipment for condensers which Allis-Chalmers Manufacturing Company has not, on or before November 20, 1963, ceased to offer for sale, sell or manufacture, it shall comply with the provisions of subsection VI(A) and shall promptly after November 20, 1963 file with this Court, with a copy sent to the Assistant Attorney General in charge of the Antitrust Division, a list of such nondiscontinued auxiliaries and accessory equipment.

/s/ J. Cullen Ganey
United States Circuit Judge
Specially Designated to Sit
in the District Court.