

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

UNITED STATES OF AMERICA, :
 :
 Plaintiff, :
 :
 v. : CIVIL ACTION NO. 35420
 :
 :
 CROWN TEXTILE MANUFACTURING :
 COMPANY, INC. and YORK-DIXIE :
 COMPANY, :
 :
 Defendants. :

AMENDED FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on March 31, 1964; plaintiff and the defendants, by their respective attorneys, having severally consented to the entry of a Final Judgment without trial or adjudication of any issue of fact or law herein and without said Final Judgment constituting evidence or any admission by any party signatory thereto with respect to any such issue; said Final Judgment having been entered herein on May 24, 1965; and plaintiff and the defendants by their respective attorneys, having severally stipulated to the entry of this Amended Final Judgment;

NOW, THEREFORE, before the taking of any testimony, without trial or adjudication of any issue of fact or law herein, and upon consent of the parties consenting 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 claims upon which relief may be granted against the defendants under Section 7 of the Act of Congress of October 15, 1914 (15 U.S.C. §18), commonly known as the Clayton Act, as amended.

II

As used in this Amended Final Judgment:

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

(B) "Machinery used in the production of hair canvas" means machinery normally used for the production of hair canvas, including, but not limited to, carding, drawing, combing, weaving and finishing equipment.

(C) "Hair canvas" means canvas made from animal hair combined with cotton, wool, or synthetic fiber, or any combination thereof.

(D) "Dillon plant" means the plant in Dillon, South Carolina acquired from Arel-Dillon Mfg. Co., Inc. by defendant York-Dixie Company by agreement dated February 28, 1961, and all interests therein, including the real estate on which such plant is situated, all additions to such plant and real estate, and any easements appurtenant thereto.

III

The provisions of this Amended Final Judgment applicable to any defendant shall apply to such defendant and its parents, subsidiaries, successors, and assignees and to each of their respective agents, officers, and directors; to Crown Textile Mfg. Corp. and Crown Southern Mfg. Co. and to their parents, subsidiaries, successors, and assignees, and to each of their respective agents, officers, and directors; and to all other persons in active concert or participation with each such person who receive actual notice of this Amended Final Judgment by personal service or otherwise.

IV

Defendants are hereafter enjoined and restrained from engaging in the production of hair canvas in the Dillon plant and from utilizing any of the machinery, equipment, and parts thereof located in said plant as of the date of the filing of the Complaint herein, together with any replacements of or improvements or additions to said machinery, equipment and parts thereof made from the date of filing of the Complaint herein to the entry of this Amended Final Judgment, for the manufacture of hair canvas at said plant or at any other location within the United States.

V

(A) Defendants are enjoined and restrained from directly or indirectly acquiring jointly with any other person engaged in the production of hair canvas, from any source (1) any plant or machinery or parts thereof used in the production of hair canvas in the United States; or (2) any financial interest in, or any assets, business, good will, or stock

of, any person engaged in the production in the United States of hair canvas.

(B) Defendants are enjoined and restrained from acquiring, prior to May 24, 1970, directly or indirectly (1) from any person engaged in the production in the United States of hair canvas, any plant or machinery or parts thereof used in the production of hair canvas in the United States; or (2) from any source, any financial interest in, or any assets, business, good will, or stock of, any person engaged in the production in the United States of hair canvas.

(C) Subsequent to May 24, 1970, defendants are enjoined and restrained for an additional period of five (5) years from acquiring, directly or indirectly from any person engaged in the production of hair canvas in the United States any machinery used in the production of hair canvas, other assets, business, good will, stock of, or other financial interest in, any person engaged in the production or sale in the United States of hair canvas except upon approval of this Court after notice to the plaintiff and upon establishing to the satisfaction of this Court that such acquisition will not substantially lessen competition or tend to create a monopoly in the production or sale of hair canvas.

Provided, however, that this Section V shall not be deemed to prohibit defendants from acquiring from any source any machinery or parts thereof used in the production of hair canvas needed by it as a temporary replacement for machinery or parts in any of its plants in the event of a breakdown or failure of such machinery or parts and which does not substantially lessen competition.

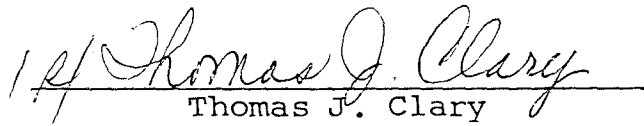
VI

For the purpose of securing compliance with this Amended Final Judgment, 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 any defendant made to its principal office, be permitted (a) reasonable 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 the defendant relating to any of the matters contained in this Amended Final Judgment, and (b) subject to the reasonable convenience of said defendant and without restraint or interference from the defendant, to interview officers or employees of the defendant, who may have counsel present, regarding any such matters.

Each defendant, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing to the Department of Justice with respect to matters contained in this Amended Final Judgment as may from time to time be necessary to the enforcement of this Amended Final Judgment. 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 the plaintiff, except in the course of legal proceedings to which the United States of America is a party for the purpose of securing compliance with this Amended Final Judgment or as otherwise required by law.

VII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Amended 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 Amended Final Judgment, for the modification or termination of any of the provisions hereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.


Thomas J. Clary
Chief Judge

Dated: March 5, 1968

Philadelphia, Pennsylvania