

UNITED STATES OF AMERICA vs. THE FERNALD
AND SOULE STEEL COMPANY.

IN THE DISTRICT COURT OF THE UNITED STATES
OF AMERICA FOR THE NORTHERN DISTRICT OF
CALIFORNIA, SOUTHERN DIVISION.

In Equity No. 1994.

THE UNITED STATES OF AMERICA, PLAINTIFF

vs.

THE FERNALD COMPANY, A CORPORATION, AND THE SOULE
STEEL COMPANY, A CORPORATION, DEFENDANTS.

DECREE.

The United States of America having filed its petition herein on the 6th day of December, 1927, and the defendants, The Fernald Company and Soule Steel Company, having duly appeared by Robert B. Gaylord and Max Thelan, their attorneys:

Comes now the United States of America, by George J. Hatfield, its attorney for the northern district of California, and by C. Stanley Thompson, R. P. Stewart, and Breck P. McAllister, special assistants to the Attorney General, and come also the defendants named herein, by their attorneys as aforesaid;

And it appearing to the court that the petition herein states a cause of action and that the court has jurisdiction of the subject matters alleged in the petition and of the parties; and the United States of America having moved the court for an injunction and for other relief against the defendants as hereinafter decreed; and the court having duly considered the statements of counsel for the respective parties and all and singular the allegations of the petition herein, and being fully advised in the premises, finds for the plaintiff and against the defendants; and all of the defendants through their said attorneys now and here consenting to the rendition of the following decree:

Now, therefore, it is ordered, adjudged, and decreed as follows:

1. That the combination described in the petition herein, and the acts, agreements and understandings complained of in said petition, between the defendants and the manufacturers named in said petition, restrain the interstate trade and commerce described in said petition and violate the act of Congress of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and acts amendatory thereof and supplemental or additional thereto.

2. That the defendants, their officers, agents, servants, and/or employees be and they are hereby perpetually enjoined, restrained, and prohibited—

(a) From agreeing with each other and/or with the three manufacturers named in the petition herein, viz: Berger Company, Youngstown Company, and Truscon Company, or any of them, to fix and establish and/or to maintain uniform, arbitrary, and/or non-competitive prices for metal lath sold within the State of California

in the course of the interstate trade and commerce described in the petition herein; and

(b) From agreeing with each other and/or with the three manufacturers named in the petition herein, viz: Berger Company, Youngstown Company, and Truscon Company, or any of them, as to the classification of customers within the State of California purchasing or attempting to purchase metal lath in the course of the interstate trade and commerce described in the petition herein as distributors, retailers, or consumers.

The jurisdiction of this cause is hereby retained for the purpose of giving full effect to this decree, and for the purpose of making such other and further orders, decrees, amendments, or modifications, or taking such other action, if any, as may be necessary or appropriate to the carrying out and enforcement of said decree.

A. F. ST. SURE,
United States District Judge.

DECEMBER 6, 1927.