

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

In Equity No. 2542-S.

UNITED STATES OF AMERICA, PETITIONER,

VS.

STANDARD OIL COMPANY OF CALIFORNIA, RICHFIELD OIL  
COMPANY, GENERAL PETROLEUM CORPORATION OF CAL-  
IFORNIA, SHELL COMPANY OF CALIFORNIA, UNION OIL  
COMPANY OF CALIFORNIA, THE TEXAS COMPANY, AS-  
SOCIATED OIL COMPANY, MARINE REFINING CORPORA-  
TION, HANCOCK OIL COMPANY, MACMILLAN PETRO-  
LEUM COMPANY, RIO GRANDE OIL COMPANY, EDINGTON-  
WITZ REFINING COMPANY, HERCULES GASOLINE COM-  
PANY, SEASIDE OIL COMPANY, SHANLEY GASOLINE

COMPANY, SUNLAND REFINING COMPANY, UNITED STATES REFINING COMPANY, VERNON OIL REFINING COMPANY, WESTERN OIL AND REFINING COMPANY, and F. R. LONG, Defendants.

ORDER MODIFYING FINAL DECREE.

The motions of the defendants, Union Oil Company of California, and Associated Oil Company herein, for modification of the Final Decree made and entered herein on the 15th day of September, 1930, coming on to be heard this day, on notice to all of the parties hereto and upon consideration thereof;

And Paul M. Gregg, Esq., by Jerry H. Powell, Esq., appearing on behalf of defendant Union Oil Company of California, and Robert M. Searls, Esq., appearing on behalf of defendant Associated Oil Company, and James Lawrence Fly, Esq., Special Assistant to the Attorney General, appearing on behalf of Petitioner, all having consented in open court to the entry of this Order and no objection being made on behalf of any party hereto:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

I

The Final Decree made and entered herein on the 15th day of September, 1930, is hereby modified so as to incorporate therein the following additional provisions, to-wit:

Nothing in this Decree shall be construed to enjoin defendants, individually or collectively, from carrying on any and all activities authorized by or conducted pursuant to and in accordance with the Code of Fair Competition for the Petroleum Industry as approved by the National Recovery Administration, and signed by the President on August 19, 1933, under the act of Congress of June 16, 1933, known as the National Industrial Recovery Act (a copy of which said Code of Fair Competition has been filed herein in support of the said motions), and any and all modifications thereof duly approved by the President or his designated government representative, as provided in the

National Industrial Recovery Act, and any agreements entered into with or approved by the President or his designated government representative pursuant to Section 4 (a) of Title I of the National Industrial Recovery Act or any order or license issued by the President or his designated government representative, pursuant to the National Industrial Recovery Act, provided, however, that no such modification or amendment or agreement or order or license shall be effective for purposes of this decree until after such approval, execution or issuance by the President or his designated government representative and thereafter until ten days after notice thereof shall have been filed herein and served upon the Petitioner through the United States Attorney for this District and shall have been given by mail or telegram delivered to the Attorney General, nor then if the Petitioner shall have filed herein and given to the defendants a notice of objection thereto, without prejudice to the right of the defendants and each of them to make such motions herein as they may be advised.

Nothing in this decree shall be construed to prohibit the defendants from associating amongst themselves and with others to formulate any proposed Code of Fair Competition or any modification or amendment to the said Code of Fair Competition as signed by the President on August 19, 1933, or any agreement contemplated by the National Industrial Recovery Act, for the purpose of submitting the same for approval to the President or his designated government representative, pursuant to the National Industrial Recovery Act.

II

This Order shall become null and void at such time as and to the extent that the National Industrial Recovery Act or amendments thereto become inoperative or inapplicable, whether by Presidential proclamation, or by the terms of the statute itself, or by other act of Congress, or otherwise, allowance being made for the period allowable under Section 5 of Title I of the National Industrial Recovery Act.

III

Except as provided by this Order herein, said Final Decree of September 15, 1930, shall remain in full force and effect, and Clause VII thereof, wherein the Court retains certain jurisdiction, is hereby construed to include the same jurisdiction with reference to the Final Decree as modified hereby.

Done in open court this 25th day of September, 1933.

/s/ A. F. ST. SURE,  
*United States District Judge.*