

Trade Regulation Reporter - Trade Cases (1932 - 1992), United States v. Golden Gate Sportfishers, Inc., U.S. District Court, N.D. California, 1979-1 Trade Cases ¶62,571, (Mar. 22, 1979)

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United States v. Golden Gate Sportfishers, Inc.

1979-1 Trade Cases ¶62,571. U.S. District Court, N.D. California, Civil No. C78-1608 WWS Entered March 22, 1979.

(Competitive impact statement and other matters filed with settlement: 43 *Federal Register* 56289). Case No. 2647, Antitrust Division, Department of Justice.

Sherman Act

Price Fixing: Charter Fishing Boats: Consent Decree.— A trade association of charter fishing boat operators was barred by a consent decree from price fixing activities in connection with the prices charged for passage on sportfishing boats.

For plaintiff: John H. Shenefield, Asst. Atty. Gen., William E. Swope, Charles F. B. McAleer, Anthony E. Desmond, and Robert B. Ross, Attys., Dept. of Justice. **For defendant:** John Connell.

Final Judgment

SCHWARZER, D. J.: Plaintiff, United States of America, having filed its complaint herein on July 19, 1978, and defendant, Golden Gate Sportfishers, Inc., having appeared by its counsel, and both parties by their respective attorneys having consented to the making and entry of this Final Judgment without admission by any party in respect to any issue;

Now, Therefore, before any testimony has been taken herein, without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

Ordered, Adjudged and Decreed, as follows:

I

[*Jurisdiction*]

This Court has jurisdiction over the subject matter of this action and of the parties hereto. The complaint states claims upon which relief may be granted against the defendant under Section I of the Sherman Act [15 U. S. C. §1].

II

[*Definitions*]

As used in this Final Judgment:

(A) "Defendant" means defendant Golden Gate Sportfishers, Inc.;

(B) "Person" means any individual, partnership, corporation, association, firm, or any other business or legal entity;

III

[*Applicability*]

The provisions of this Final Judgment shall apply to the defendant and to each of its officers, directors, agents, employees, chapters, successors and assigns, and to all other persons, including members of the defendant, in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

[Price Fixing]

Defendant is enjoined and restrained from directly or indirectly:

- (A) Entering into, adhering to, maintaining, or furthering any contract, agreement, understanding, plan or program, to fix, establish, or maintain prices charged by sportfishing boats to carry passengers.
- (B) Advocating, suggesting, urging, inducing, compelling, or in any other manner influencing or attempting to influence members of the defendant and/or any other person to use or adhere to any price to be charged for passage on sportfishing boats;
- (C) Policing, urging, coercing, influencing, or attempting to influence in any manner any member or any other person, or devising or putting into effect any procedure (including but not limited to picketing) the effect of which is to fix, maintain, or stabilize prices to be charged by members or any other persons for passage on sportfishing boats.

V

[Notice]

Defendant is ordered and directed:

- (A) Within 60 days after entry of this Final Judgment to serve a copy of this Final Judgment together with a letter identical in text to that attached to this Final Judgment as Appendix A, upon each of those persons who are or have been officers or members of defendant at any time since January 1, 1977.
- (B) To serve a copy of this Final Judgment together with a letter identical in text to that attached to this Final Judgment as Appendix A, upon all of its future members at such time as they become members;
- (C) To file with this Court and serve upon the plaintiff within sixty (60) days after the date of entry of this Final Judgment an affidavit as to the fact and manner of compliance with subsection A of this Section V.

VI

[Inspections]

- (A) For the purpose of determining or securing compliance with this Final Judgment, any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant made to its principal office, be permitted, subject to any legally recognized privilege:
 - (1) Access during the office hours of defendant to all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in the possession or under the control of defendant, relating to any matters contained in this Final Judgment; and
 - (2) Subject to the reasonable convenience of defendant and without restraint or interference from it, to interview officers, directors, agents, partners, members, or employees of defendant, who may have counsel present, regarding any such matters.
- (B) 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 with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

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 United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by a defendant to plaintiff, the defendant represents and identifies in writing the material in any such information or documents which is of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and the defendant marks each pertinent page of such material, "Subject to Claim of Protection under the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to the defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which the defendant is not a party.

VII

[Retention of Jurisdiction]

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

VIII

[Public Interest]

Entry of this Final Judgment is in the public interest.