

Trade Regulation Reporter - Trade Cases (1932 - 1992), United States v. Standard Oil Co. of California., U.S. District Court, N.D. California, 1973-1 Trade Cases ¶74,385, 362 F. Supp. 1341, (Dec. 13, 1972)

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United States v. Standard Oil Co. of California.

1973-1 Trade Cases ¶74,385. U.S. District Court, N.D. California. No. C-52334-SC, Filed December 13, 1972. Case No. 2073, Antitrust Division, Department of Justice. 362 FSupp 1341

Sherman Act

Government Suits—Injunctive Relief—Long Term Requirements Contracts—Competitive Use of Storage Facilities.—An oil company found to have violated [Sec. 3 of the Sherman Act](#) was ordered to refrain from enforcing, continuing, reviving or renewing any requirements contracts with customers in American Samoa. Additionally, the firm was required to permit other suppliers or distributors of petroleum products to use an adequate portion of the Government of American Samoa petroleum storage facilities on a shared-cost basis to enable them to compete in the Samoan market.

For plaintiff: Bernard M. Hollander, Donald H. Mullins, and Alan B. Pick, Antitrust Div., Dept. of Justice, Washington, D. C. and Anthony E. Desmond, Antitrust Div., Dept. of Justice, San Francisco, Calif. **For defendant:** William E. Mussman, Thomas J. Klitgaard, and Charles A. Storke, of Pillsbury, Madison & Sutro, San Francisco, Calif.

Final Judgment

CONTI, D. J.: Plaintiff, United States of America, filed its complaint on September 30, 1969, and the defendant, Standard Oil of California ("SoCal") appeared and filed its answer. Trial having been completed and the court having considered the pleadings, evidence, briefs and arguments, and being fully informed, entered findings of fact and conclusions of law on October 26, 1972.

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

I.

[*Jurisdiction*]

This court has jurisdiction over the subject matter of the complaint herein and the parties hereto.

II.

[*Restraint; Monopoly*]

Based upon the court's findings of fact and its conclusions of law, the defendant has (1) engaged in a combination and conspiracy to unreasonably restrain and monopolize trade and commerce in the distribution and sale of petroleum products in the United States Territory of American Samoa and between that Territory and States of the United States in violation of [Section 3 of the Sherman Act](#); and (2) entered into contracts with Van Camp Sea Food Company ("Van Camp"), Star-Kist Foods, Inc. ("Star-Kist"), and Pan American World Airways ("Pan-Am") in unreasonable restraint of said trade and commerce in petroleum products in violation of [Section 3 of the Sherman Act](#).

III.

[*Applicability*]

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

IV.

[Requirements; Storage Facilities]

(a) The defendant is enjoined and restrained from continuing, reviving, or renewing the aforesaid combination and conspiracy.

(b) The defendant is ordered to refrain from enforcing, continuing, reviving, or renewing any requirements contracts with customers in Samoa.

(c) The defendant is ordered to permit other suppliers or distributors of petroleum products to use an adequate portion of the Government of American Samoa ("GAS") petroleum storage facilities on a shared-cost basis to enable said suppliers or distributors to compete in the American Samoan market. Within sixty (60) days of the effective date hereof, defendant shall serve upon plaintiff a plan pursuant to which such suppliers or distributors will be permitted so to use the facilities. Thereafter the parties shall attempt to reach agreement on a plan to be filed with and approved by the Court. If agreement cannot be reached within one hundred twenty (120) days of the effective date hereof, resort shall be had to the Court for hearing and determination.

V.

[Inspection and Compliance]

(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 the defendant, made to its principal office, be permitted:

(1) 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 said defendant relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of said defendant and without restraint or interference from it, to interview officers or employees of said defendant, who may have counsel present, regarding any such matters.

(b) Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, the defendant shall submit such reports in writing to the plaintiff with respect to matters contained in this Final Judgment as may from time to time be requested.

(c) No information obtained by the means provided in this Section V shall be divulged by any representative of the Executive Branch to any person other than a duly authorized representative of such Branch, except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

VI.

[Jurisdiction Retained]

Jurisdiction is retained for the purpose of enabling either 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 the violation of any of the provisions contained therein.

VII.

[Costs]

Plaintiff shall recover the costs of this action from defendant.